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Friday, 20 November 1998, 3 p.m.
New York

President: Mr. Opertti ..... (Uruguay)

In the absence of the President, Mr. Filippi Balestra (San Marino), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 59 (*continued*)

Question of equitable representation on and increase in the membership of the Security Council and related matters

Draft resolution (A/53/L.16)

Amendment (A/53/L.42)

Mr. Galuska (Czech Republic): Not many of the issues considered recently by this Organization have drawn as much attention or been followed as closely and discussed as thoroughly, for such a considerable period of time, as that of Security Council reform. At first glance, consensus might seem within reach. We all want the Security Council to be geographically equitable, democratic and efficient. We all want to improve its working methods, and almost all of us would like to see the unlimited use of the veto curbed.

However, there are certain limitations to what we can achieve here, since all of these issues are interdependent. To maintain what we have — a functional and operational Security Council — and to get what we want — equitable representation, democratization, more transparency and efficiency — we have to find a balance between what is demanded and what is feasible. That balance is between geographical equitability and efficiency, between transparency and the need for informal negotiations, and between democratization and the unlimited use of the veto.

To counterbalance the additional burden that an enlargement of the Council would place on its operational ability, we need to modernize its working methods and decision-making process. We need to further develop the procedures that enable wider participation and transparent decision-making while facilitating prompt and effective action.

We have definitely made great progress throughout the intensive and constructive course of negotiations in the Open-ended Working Group. Here I would like to express our thanks and gratitude to the President of the previous session of the General Assembly, Mr. Hennadiy Udovenko, and to the two co-Vice-Chairmen of the Working Group, Ambassadors Breitenstein and Jayanama. Proposals have been refined and sharpened, and they now outline the whole scope of aspects of future reform. However, in spite of converging views, there is still a significant gap to be bridged.

As these issues are closely linked, they should be kept in one package throughout the negotiation and decision-making process, and the agreement should be reached on the whole package. To single out and prejudge one element of the package would be quite unfortunate and would necessarily limit our ability to deal

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with the rest of the package. In order to reach a general agreement, as called for in resolution 48/26, we need to maintain our momentum and continue to discuss all the issues related to Security Council reform in a positive, transparent and non-confrontational manner.

This brings me to the most frequently discussed topic of today's debate: the majority required for taking decisions on Security Council reform. Again, since this issue is part of the reform package, it should not be dealt with separately. The General Assembly's voting and decision-making process is clearly stipulated in the relevant articles of the United Nations Charter. It is essential first to know the proposal to be voted on; only after that can we decide what kind of majority is needed. The opposite approach, as proposed in draft resolution A/53/L.16, would create a dangerous precedent by bringing in a new, vaguely defined category — a "resolution with Charter amendment implications" — which is a legally flawed deviation from Article 108 of the United Nations Charter. It is unacceptable to us.

Let us be clear. We respect the Durban Declaration of the Heads of State or Government of the Non-Aligned Movement, which we understand as a legitimate political appeal to the Movement's member States, and indeed to the whole international community, to reach a general agreement on this issue.

We see a possible compromise in the adoption of the draft amendment (A/53/L.42) to draft resolution A/53/L.16, and we appeal to the President to organize further consultations in order to avoid confrontation and to find a solution that would be acceptable to us all.

Let me stress that the reform of the Security Council deserves our urgent attention. We have already seen the first signs of the erosion of its credibility, caused by inequitable geographical representation, as reflected in the decision of African States concerning the sanctions against Libya. It is up to us to decide what kind of Security Council we want to have in the next millennium. We have to decide also whether we want to continue living in a world based on post-Second-World-War realities or if we want to change with the times. There is a good chance for success if we keep our dialogue alive in a positive and constructive manner, as we used to.

We therefore fully support the continuation of the work of the Working Group in 1999 in order for it to examine all the proposals. We hope that this work will eventually produce concrete results that could be placed on the agenda of the fifty-fifth session of the General Assembly, in the framework of the Millennium Assembly concept.

Mr. Wilmot (Ghana): My delegation believes that the clear convergence of views on the need for equitable representation on and an increase in the membership of the Security Council reflects a trend that augurs well for our active and positive consideration of this subject matter. An underlying factor in this trend is the recognition and indeed acceptance that the maintenance of international peace and security is a collective responsibility that lies at the foundations of the United Nations. It requires and demands the cooperation of all Member States.

But the cooperation of Member States should not be taken for granted by the Security Council, on which the Charter of the United Nations imposes the primary obligation to maintain international peace and security in a rapidly changing yet shrinking world. Given contemporary and potential conflicts in the post-cold-war era, the Council cannot discharge this onerous responsibility if its membership is not truly representative or does not reflect the composition of the United Nations, which currently stands at 185 Members.

Reform is in the air, and the Security Council cannot be an exception if it is to ensure the requisite accountability. As my delegation has stressed in previous statements, the needed enhancement of the Council's credibility through a substantive reform must be guided by the principles of democracy, the sovereign equality of States and equitable geographical representation. A reformed Security Council should be transparent in its activities and more responsive to the interests of the general membership in matters deriving from its Charter mandate. This is more so as all members of the United Nations are called upon to share the burden of the maintenance of international peace and security through, *inter alia*, assessed contributions to the peacekeeping budget and the provision of troops for United Nations peacekeeping missions. In this regard it is necessary to strengthen the transparency of the Security Council by improving its functioning, methods of work, decision-making powers and relations with States that are not members of the Council.

Our views regarding the achievement of equitable geographical representation in the Council have been clearly defined in the statements and working papers the Non-Aligned Movement has presented to the Open-ended

Working Group entrusted by this Assembly with the mandate to consider and report on all aspects of the question of increase in the membership of the Security Council and related matters. In this regard, my delegation aligns itself with the views expressed by the Permanent Representative of Egypt, speaking on behalf of the Member States of the Non-Aligned Movement.

The Movement has called for the Council's membership to be increased by not less than 11. This additional number is fair and reasonable and can accommodate the legitimate claims of all regions of the world to be represented in the all-important body entrusted with the primary responsibility for the maintenance of international peace and security. The expansion in both the permanent and non-permanent categories of the Council, as recommended by the Non-Aligned Movement and several other delegations, will go a long way towards meeting our objectives and responding to the requirements of the vast majority of Member States. It is only through the expansion proposed by the Non-Aligned Movement that the views expounded by that vast majority can be accommodated without impairing the efficiency of the Council.

I also wish to reaffirm my country's adherence to the common African position, which calls for the allocation of two permanent rotating seats to the continent with the same prerogatives and privileges as are accorded to all other permanent members. In this connection, the Organization should avoid the creation of a new underprivileged class, as this can only mask the problem we are seeking to address.

Needless to say, my delegation disagrees completely with those delegations that call for a maximum size of 20 to 21 for the enlarged Security Council. Either those calls aim at setting a new mandate for the Open-ended Working Group, or they could be a ploy to have the best of two irreconcilable worlds: supporting expansion and equitable representation in one breath, while in another advancing proposals that are well known to stand very little chance of obtaining the general agreement that is a prerequisite for amending the Charter, as stipulated in Article 108.

The matter of the Security Council reform, much as it deserves urgent attention, cannot be subject to any imposed time-frame. Indeed, we recognize the need to allow Member States time to reflect on the question, with a view to identifying solutions on which general agreement can be reached. Should it become necessary, however, to take some early decisions, a page could be borrowed from the Non-Aligned Movement, which has proposed that expansion should take place only in the non-permanent category for the time being, if there is no agreement on other categories of membership.

The proposal for a periodic review of the composition of the Council has great merit and deserves serious consideration. Such periodic review, with the possibility of replacing non-performing members or any member if its regional constituents so decide, would enhance accountability and make the Council more responsive to the needs and interests of the international community at large. We wholly subscribe to this proposal. We also endorse the Non-Aligned Movement's proposal that a periodic review of the Council's structure and functioning is necessary in order to enable it to respond better and more effectively to the new challenges in international relations, especially with regard to international peace and security.

My delegation also recognizes the inherent problems associated with the use and abuse of the veto, and we reiterate our call for the limitation of its usage to clearly defined situations under Chapter VII of the Charter, pending agreement at an appropriate time on the veto's abolition. The time has come to review the concept of this undemocratic and anachronistic relic of the post-war era in view of its frequent misapplication by a privileged few in furtherance of parochial national objectives, thwarting the will of the general membership of the Organization. Whatever the outcome of our deliberations on this subject, it is the considered view of my delegation that all permanent members, new and old alike, should be accorded the same prerogatives and privileges.

I wish to conclude by reiterating the commitment of my delegation to the reform process. We stand ready to continue in our common effort aimed at reforming the Security Council in order to prepare it better for the challenges of the twenty-first century.

Ms. Rasi (Finland): I have the honour to speak on behalf of the Nordic countries: Denmark, Iceland, Norway, Sweden and my own country, Finland.

The Security Council is the principal organ of the United Nations to which the members of the United Nations have conferred primary responsibility for the maintenance of international peace and security. It is important to recognize that many factors determine the Council's effectiveness and the authority it carries in the international community. Most important, of course, is

the very quality of its decisions. The unity of purpose of its members is essential. So is the political and practical ability of the United Nations to carry out the decisions of the Council. A key factor, of course, is the Council's composition and working methods.

The views of the Nordic countries on enlargement and reform of the Security Council have been stated on several earlier occasions. Therefore, let me today recall the common Nordic approach to some of the basic issues.

We are in favour of enlargement and reform of the Security Council in order to make it better equipped and strengthened in its capacity to discharge its responsibilities under the Charter in the maintenance of international peace and security as we face the challenges of the new millennium.

The ultimate objective of the reform is to make the Security Council more representative and to strengthen its authority, while making it more open and transparent. At the same time, enlargement of the Council must take into account the need for the efficiency and effectiveness of its work.

The Nordic countries, like the wide majority of Member States, support enlargement in both the non-permanent and permanent categories of membership. Non-permanent members are a crucial part of the Security Council membership. They ensure representativity and accountability. They can be expected, as a matter of self-interest, to give priority to openness and broad consultations with non-Council members. Elected members should also constitute a majority in the Council in the future. The Nordic countries are also in favour of an increase in the number of permanent members of the Council. We would welcome Germany and Japan as new permanent members, together with developing countries of Africa and Asia, as well as of Latin America and the Caribbean.

As to the process of selecting new permanent members, the Nordic countries are ready to study all proposals carefully. We have noted with interest the rotation formula for Africa agreed upon at Ouagadougou last June by the Organization of African Unity. The General Assembly should take due account of any proposal by the regions concerned when taking its final decision on the matter.

The Nordic countries would want to see concerted action to reduce the role of the veto. Widespread concern has been expressed that any increase in the number of countries endowed with the veto — as presently constituted — might harm the efficient decision-making of the Security Council. The Nordic countries believe that restrictions in the scope of use and application of the veto could also be thoroughly considered within the so-called periodic review as one way of finding a solution to this issue.

Progress has indeed been made in efforts to make the Security Council more transparent and to improve its working methods, not only by the Open-ended Working Group, but also by the Council itself. We warmly welcome this development. We believe that the measures taken by the Council were to a large extent inspired by the very thorough work done in the Working Group. Yet more can and should be done. We believe that the need exists for a review of the Council's working methods and transparency on a permanent and continuous basis. The rapid increase in the tasks facing the Council and the changing nature of the problems with which it has to deal, as well as the extent to which non-members of the Council have become involved, justify such an approach. An important task to be included in such a continuing review mandate would also be to consider how the relationship and interaction between the Security Council and the General Assembly could be improved and enhanced.

In our view, it is now time for all Member States to engage in real negotiations to bring the reform process forward. The Nordic countries took careful note of the many calls for a more result-oriented approach to Security Council reform that were expressed in the Assembly's general debate in September. We also noted that many speakers expressed their disappointment at the slow progress and the lack of agreed proposals from the Open-ended Working Group, whose report nevertheless constitutes a useful compilation of the numerous ideas on the table.

Let me make it clear that by calling for a negotiating process the Nordic countries are not advocating any artificial time-frames or deadlines. No one can impose anything on the General Assembly. What we are urging is simply that the Open-ended Working Group live up to the calls for concrete and specific proposals for consideration by the Assembly.

This will not be easy. There are many problems, and they are complex and interlinked. But they have all been identified — we know them. Positions of the

Member States and Groups have been clearly enunciated, explained and defended. Since the inception of the Open-ended Working Group, a wealth of proposals have been put on the table — some comprehensive, others addressing specific elements of the reform.

The membership of the Organization has long declared its determination to make the Security Council more representative and to strengthen its authority. We must find a solution which strengthens the Council, a solution supported by the overwhelming majority of Member States. To facilitate our common search for such a solution, we would do well to avoid divisive procedural debates or precipitate voting situations.

Mr. Andjaba (Namibia): Allow me to express the appreciation of my delegation to the Bureau of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council for the outstanding way in which they conducted the Group's work during the fifty-second session of the General Assembly.

Since the Open-ended Working Group was established in 1993, numerous proposals have been presented and discussed on all issues relating to Security Council reform. These include the composition and size of the Council and the veto power. Regrettably, divergent views still exist among Member States on these issues. However, it is important to note that significant progress has been made in discussing measures aimed at improving the working methods and transparency of the Council's activities. But we believe that much can be done, and should be done. The implementation of these measures would no doubt create a more participatory and open decision-making process in the Council. Therefore, the Security Council should institutionalize these measures.

The reform of the Security Council constitutes one of the important components in the efforts to strengthen, revitalize and democratize the United Nations. The central element in this process is to ensure that in the new arrangement the size and composition of the Council reflect the increase in the membership of the United Nations, and above all it must not ignore the principles of equitable geographical representation and the sovereign equality of States, which are key to the very survival of the United Nations. In the existing Council, developing countries are under-represented. Therefore, we must correct the existing imbalances in the composition of the Council in a manner which would enhance its credibility and effectiveness. We will consider unacceptable any expansion which overlooks the principles of equity and representativeness. We will not accept selective or partial expansion or enlargement of the Security Council. In this connection, we support the expansion of the Council in both categories, permanent and non-permanent. Developing countries must be adequately represented in the reformed Security Council. Africa's common position is on the table. It includes two permanent seats and additional non-permanent seats.

Namibia is opposed to the veto. It perpetuates differences and discrimination among members of the Security Council. It is anachronistic, and we therefore call for its abolition. For any action or inaction of the Council to be credible and legitimate, it should reflect the will of the majority of the Council members.

It is undemocratic, if not dictatorial, that one State can prevent a decision supported by the rest of the Council members. It is self-defeating to pretend to champion the cause of democracy at the country level while at the same time measures to ensure practical implementation of that principle at the international level are being opposed.

The Council must be democratized in order to ensure its accountability to the entire membership of the United Nations, on whose behalf it carries out the primary functions of maintaining international peace and security.

Namibia fully supports the position of the Non-Aligned Movement that any resolution with Charter amendment implications must be adopted by a two-thirds majority of the United Nations membership, as referred to in Article 108 of the Charter.

Finally, my delegation has taken note of the recommendation of the report of the Open-ended Working Group as contained in document A/52/47. However, we must proceed with caution and respect to all proposals on the table. In our deliberations, we should bear in mind that our inability to reach any agreed recommendations could damage the credibility of the United Nations. On the other hand, we should not unduly hasten the process simply to satisfy some Members of our Organization to the detriment of others. To put it simply, no quick fixes, but also no indefinite negotiations.

Mr. Arcaya (Venezuela) (*interpretation from Spanish*): Five years ago, the Member States of the Organization decided to undertake one of the most important tasks related to the reform and revitalization of the United Nations as a result of the profound changes stemming from global politics. The General Assembly, through resolution 48/26, created the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. It was one of the most important decisions ever taken in United Nations history.

The decision that made it possible to establish the Working Group entailed a very complex exercise in negotiation, highlighting the commitment and flexibility of the Members of the Organization for the sake of adopting measures to give greater legitimacy to the Security Council. Today more than ever,this objective receives priority attention, with the development of political solutions to humanity's challenges and obstacles requiring collective responses through organs whose composition reflects the realities of our times.

The Working Group has made progress in some areas. However, the discussions to date reveal important differences remaining on issues relating to the possible increase in the number of Security Council members, as well to the veto. The activities undertaken by the Working Group show that, on this matter that concerns us all, it is impossible to conceive of fragmented or partial solutions that stray from the spirit and aim of the objective defined in resolution 48/26: the search for general agreement.

While we advocate the taking of decisions based on the majority opinion of the Members of this Organization on this subject, we also consider that the utilization of certain types of arguments, procedural or otherwise, that are aimed at impairing the process through polarization and confrontation, would not be in our interests. To the contrary, at this stage of discussions it is necessary that the Member States show the flexibility that this important matter demands.

We are convinced that the Working Group will remain the appropriate forum to promote progress in the achievement of the general agreement that will allow us, at the threshold of the new millennium, to make the Security Council an organ that serves the interests of the international community more effectively. We cannot cease in our efforts to overcome the differences that have surfaced to date.

As the report of the Working Group in document A/52/47 reveals, there is a set of proposals available to us that, in their scope, deserve our consideration. As a result, we must set aside rigid positions in order to promote in a positive manner arrangements that will promote an improvement in the capacity of the United Nations as an institution for dialogue and international understanding.

For Venezuela, the reform and expansion of the Security Council are inseparably linked to the reform of the United Nations itself. We cannot conceive of this larger process of reform without making the necessary adjustments to the Security Council in order to bring about greater transparency, efficiency and legitimacy in that organ, which is entrusted with the maintenance of international peace and security.

We consider that the Security Council must be enlarged, as Venezuela's President Rafael Caldera affirmed when he addressed the Assembly on 24 September last during the general debate. We believe that the possible expansion of the Council will in no way weaken the effectiveness or the authority of that organ in matters related to international peace and security, but will, rather, strengthen its capacity.

Since peace is an indivisible concept involving the entire international community, we consider that in the reform and expansion of the Security Council, we must bear in mind the principles of the sovereign equality of States and equitable geographical distribution, as well as the need for transparency, responsibility and democratization as regards the methods of work and procedures of the Security Council, including the decision-making process. These general principles, which we fully support, were restated by the Non-Aligned Movement at its recent summit in Durban, South Africa.

A central element of the ongoing debate on reforming that body is definitely the matter of the veto. Throughout the meetings of the Open-ended Working Group, we have heard many considerations and thorough analyses of the need for a restriction on the use of the veto to specific domains as a step towards its ultimate elimination. We have also heard arguments to the effect that today's circumstances no longer justify the existence of this tool, which is held to be anti-democratic and inimical to solidarity and the principle of the legal equality of States, which is the fundamental basis of our Organization and of public international law.

In this respect, Venezuela considers that the right of veto must be restricted with a view to its future elimination, and that the Charter will have to be revised so that it will be possible to use the veto only in connection with measures under Chapter VII of the Charter. In this connection, we would like to highlight the contributions made by the Non-Aligned Movement on matters pertaining to this particularly important question.

It is encouraging to note that at this stage in history the United Nations, imbued with a renewed sense of optimism, is influenced by trends towards dialogue and democratization. Confrontation and sterile debates have been left behind. With the support of the Member States, the Organization has promoted, in different areas, the adoption of decisions of planetary scope that have brought about the development of international norms to address humanity's pressing challenges, such as the promotion and defence of human rights, the protection of the environment, the establishment of the International Criminal Court, the prohibition of certain categories of weapons of mass destruction and so forth. These are some of the achievements that can be attributed to the United Nations in over 50 years of action in the field of peace and economic and social development.

Mr. Jusys (Lithuania): Reform of the Security Council is going down in United Nations history as the item discussed for the longest time without any practical outcome. The organ to be reformed is the Security Council, but so far the matter has affected only the General Assembly, by taking up its precious time and revealing conflicts of interests among the general membership.

Since the debate began, we have witnessed a rotation in the majority of permanent representatives, who change more frequently than the positions of their countries. Ironically, while the representatives are described as permanent, and the reform process is supposed to be temporary, the opposite would appear to be the case.

I know many of us often ask ourselves and each other, "Will the reform process ever end? Will the Security Council ever be transformed? Is this apparently elusive goal worth the time and resources spent and the intellect brought to bear?"

These thoughts come at moments of desperation, which is the usual emotion following each session of the Open-ended Working Group on the reform of the Security Council. When the mind is calm, it again becomes clear that with all that reform may require, it is nevertheless worth not only a try but resolute persistence.

A reformed Security Council will not only be more fairly representative but — and as importantly — more effective. A properly balanced membership will lend greater legitimacy to its decisions, which will thus gain greater authority and respect worldwide. The benefits of resolving a single additional international conflict or crisis would justify even the longest debate on the reform of the Security Council. It is regrettable that disagreement between the vast majority of the membership and a very few — but very influential — States about the size of an enlarged Council has been one of the major stumbling blocks to reform.

Lithuania's position has not changed, but we remain flexible in the search for a common goal. We have stated our views several times on all basic issues of reform. The fundamental component of our position is a search for compromise, which is achievable regarding all aspects of the reform, even the most difficult ones. In the Working Group, Lithuania identified areas of achievable compromise, including the enlargement of both categories of membership, the size of the Security Council, a review mechanism, regional rotation and others.

The search for a golden mean has been facilitated by the Bureau of the Open-ended Working Group. In particular, the summaries of all standing issues this year have been most helpful. They list all reasonable ideas and represent the spirit of creativity that has prevailed throughout the exercise. The next logical step would be to identify the degree of support for each of the options and to see if a decision can be made.

We have now arrived at the current "smash hit": how to know what measure commands sufficient support for a final decision and what majority is required for reform. We spoke about this before and offered one possible interpretation of what a general agreement could be for this particular case: a halfway point between consensus among the total membership and the two thirds of all Member States that is required for United Nations Charter amendments. But there may well be other numbers or less definite notions of majority. Lithuania is open to any reasonable thinking.

The question of majority is complicated not only by the search for a number but also by considerations and speculation as to the stage of decision-making at which this or that majority is to be required. The appearance,

for a second straight year, of a draft resolution such as one now contained in document A/53/L.16, was inspired precisely by this confusion.

In seeking solutions to this problem, we should be guided by the United Nations Charter. Articles 18, 108 and 109 cannot be interpreted in many ways. Charter amendments will come into force only after ratification by at least 124 States, including the five permanent members. This provision rules out any danger of someone sneaking into permanent seats through the back door, windows or chimney or by any other loopholes. It will be necessary to generate this much support to gain a permanent seat.

It is likely, however, that Charter amendments will be preceded by a formal decision of the General Assembly stating the conclusion of work and pronouncing a decision that we hope will trigger the process of Charter amendment. We expect that such a decision will be similar to a draft resolution once promoted by the former President of the General Assembly, Ambassador Razali. However, such a resolution or any other decision will not, in the strict sense, be an amendment to the Charter as such; therefore, Articles 108 and 109 of the Charter will not directly apply. It will be a decision of the type referred to in one of the paragraphs of Article 18.

There has been a lengthy debate about the majority that is needed for a resolution with Charter amendment implications. We voiced Lithuania's opinion in the Working Group: implications of Charter amendments are not yet amendments and therefore do not involve Article 108. Many things might imply Charter amendments. However, only amendments to the United Nations Charter — not implications, elements, intentions, allusions or hints — involve Article 108.

We must also remember that most prominent scholars of United Nations law and legal practice consider the application of Articles 108 and 109 to be an irregularity, as opposed to recourse to Article 18, which is designed for regular decision-making in the General Assembly. I would like to cite a respected book, *United Nations: Law, Policies and Practice*, which warns us in volume 1, page 22, against the ambiguities that we seem to be falling into in this case:

> "the majority stipulated in Articles 108 and 109, paragraph 1, refers to the number of members specified by the Charter (Article 9). This is an exception to the provisions of Article 18, paragraph 2 which require a two-thirds majority of the members present and voting ... By derogating from Article 18, paragraph 2 and stipulating a vote of two-thirds of the members of the General Assembly it was intended to ensure that any amendment adopted would also be ratified later on, and render the review more difficult in order to achieve maximum recognition for the decision of the General Assembly."

Following the legalistic line of reasoning further, it may be difficult to define an implication, and it will be much more difficult to define a resolution with an implication requiring the application of Article 108. The meaning of the word itself is so indirect that it may be subjected to individual interpretation and speculation. After all, who will eventually be able to decide whether something is or is not an implication?

This is a difficult legal case; but it can be seen as a political case. The Non-Aligned Movement's position, for instance, offers a political approach to it. Member States might wish to make a political decision about the majorities required for reform. Such a decision may or may not be prescriptive for cases other than this reform. But we have to be very certain whether we would like to create such a precedent.

Another alternative contemplated is amending the rules of procedure of the General Assembly and setting new majorities for General Assembly decisions in cases like this. Such an exercise, however, might also be difficult. We must be very creative in establishing new procedures for decision-making in the General Assembly without inconsistencies with the United Nations Charter, which already has provisions on decision-making in the General Assembly.

We would prefer majorities different from those clearly defined in the Charter to be defined rather informally, without adopting decisions that might be contrary to the United Nations Charter. Our most sincere preference is not to dwell too much on majorities. More important work lies ahead; we have to find a formula that will fit all, and procedural issues must be secondary.

The draft resolution before us, A/53/L.16, cannot be adopted by consensus as it stands. There are sound arguments raised by its sponsors and also by its opponents, and although they are different, they are not totally incompatible. Nothing is impossible, and finding a compromise is certainly not impossible. Further consultations have to be undertaken in order to avoid

additional confrontation. We saw enough division over the reform issue during the work of the Working Group; an additional display of conflicting views is unnecessary.

Mr. Opertti's predecessors worked hard for progress in the Working Group. They, with the assistance of the excellent outgoing co-Vice-Chairmen, Ambassador Breitenstein and Ambassador Jayanama, managed to establish an atmosphere conducive to intellectual exercise and a vast legacy of good ideas. This time, we urge the Chairman to establish an atmosphere that is also conducive to a result-oriented exercise. For that purpose, he will have our full and active support.

Mr. Dlamini (Swaziland): Once again I am honoured to address the Assembly on behalf of the delegation of the Kingdom of Swaziland.

The international community has on diverse occasions taken several steps to reinforce its mutual collaboration within the framework of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council, established under the terms of General Assembly resolution 48/26 of 1993. The interest the item has generated since the Working Group was set up reflects the unique nature of this issue and the desire to have a democratic and representative Security Council, as conceived in the Charter of the United Nations. The efforts we have invested in achieving the goals of the Working Group cannot be compared to any others, despite the differences we have on this item. As the debate resumes in this session, the so-called meeting-of-minds principle, which has eluded us in our endeavour to achieve a common position, is again a test of our commitment to the goals we initially set out to achieve.

My delegation is grateful to Ambassador Hennadiy Udovenko of Ukraine, the President of the General Assembly at its fifty-second session, for his effort and dedication in seeing to it that the Working Group efficiently performed its task. However, we are concerned that during this interim period the Working Group should not lose the opportunity to make further progress on all the issues before it. A good outcome would be for the Working Group to convene and discuss in more detail than in the past and to identify more precisely the means to achieve consensus on the issues that remain unresolved.

In our resolve to achieve a satisfactory solution to the question of the reform of the Security Council, it is worth mentioning from the outset that any attempt aimed at tackling the issue should be considered within the provisions of the Charter. I am referring to the widely recognized principles of sovereign equality and equitable geographical representation of States. The Council, as currently composed, does not reflect a true picture of what is envisaged by the Charter insofar as those two principles are concerned. The present situation is such that no one needs to be reminded that the developing world deserves to be represented not only in the non-permanent membership category but in the permanent membership as well. A Council built within this framework is more than likely to be perceived by the international community as legitimate, credible and truly representative in character. This is the positive approach that the Non-Aligned Movement (NAM) and the Organization of African Unity have enunciated in calling for an enlarged and universal Security Council.

In this regard, the Kingdom of Swaziland continues to support the African common position for two permanent seats with full rights that are enjoyed by the current membership in the permanent category. We remain opposed to any partial or selective expansion of the Council to the detriment of the developing countries, and we dare say that any attempt to do so runs the risk of being unacceptable to a significant number of the Members of the United Nations.

Closely linked to the expansion of the Council is the use of the veto. My delegation is of the considered view that the expansion of the Security Council should be accompanied by an understanding on the scope of the veto. We cannot envisage a situation in which new permanent members of the Council will not enjoy the use of the veto. And while we unreservedly favour extension of the veto to new permanent members, we do, however, in accordance with the decision of the recent twelfth NAM summit, held in Durban, South Africa, support the proposal that the veto should be curtailed with a view to its elimination and that it should apply to actions taken under Chapter VII of the Charter.

On a more positive note, though, my delegation considers the implementation by the Security Council of the comprehensive set of measures to enhance its working methods and transparency to be a positive development. All we long to see now is that such measures should be institutionalized in the Council's rules of procedure. The adoption of this set of measures will, in my delegation's view, enable the Security Council to provide timely reports to the General Assembly as required by Articles 15 and 24 of the Charter. Again, through this procedure,

the General Assembly will be kept informed on a reasonable basis of the activities of the Security Council. The report should not be limited to, but should include, reports on consultations with troop-contributing countries, regional organizations and the Security Council's subsidiary organs, among other things. In this connection, we are grateful to the Non-Aligned Movement for the paper it presented to the Open-ended Working Group on this subject.

In conclusion, may I, on behalf of my delegation, reaffirm my country's commitment to the goals of the Working Group. The exchange of views we have had during the past year, characterized by richness of debate, was useful and realistic. Notwithstanding the ground the Working Group has covered, we welcome further efforts, particularly through cooperation, to ensure that general agreement is reached before any decision is taken on this question.

Mr. Kamal (Pakistan): As during several previous sessions of the General Assembly, I once again have the honour to address the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council.

The debate in our Working Group on this subject earlier this year showed, once again, how wide the divergence of views is between Member States on the core issues. There are deep differences on the composition and size of an expanded Security Council, on the manner in which the veto should be exercised or restrained, on the question of a review mechanism and on a host of other issues. The differences were so deep and so fundamental that the Working Group was once again unable to present a substantive report on its work to the General Assembly.

Allow me to briefly recapitulate some of the salient points of the deliberations held so far.

On the issue of the composition and size of an expanded Security Council, proposals ranged from increasing the total size of the Security Council to 20 or 21, supported by a handful of countries, to an expansion to not less than a figure of 26, supported by the 114 members of the Non-Aligned Movement and many others.

On the question of the veto, the Non-Aligned Movement proposed that this power of permanent members should be curtailed to actions under Chapter VII of the Charter. Once again, a handful of countries, most of which, not surprisingly, are the beneficiaries of the veto power themselves, have rejected this proposal outright. The linked issue of whether possible new permanent members should enjoy all the rights and privileges of the original permanent five hangs in the balance, with no clear picture emerging, even after five years of negotiations.

On the issue of the review mechanism, a wide range of proposals has been made. Some have suggested that at the review conference to be convened 10 or 15 years after the possible expansion of the Security Council, the new permanent members could be unseated by the vote of a two-thirds majority of the United Nations membership. Others have proposed that the new permanent members will have to subject themselves periodically, every 10 or 15 years, to a vote of confidence, and that they would retain their status as permanent members only if they continued to enjoy the support of a two-thirds majority of the United Nations membership.

Despite the deep differences and the wide divergence of views which have existed among us for over five years already, there is a noticeable and sudden surge of activity at the beginning of every session, as the handful of pretenders to permanent membership and their ostensible supporters feel a quickening in their aspirations with each new session of plenary meetings. Last year, as our session began, this group of countries had contemplated submitting a framework resolution on the issue directly in the General Assembly in the hope that they could in this fashion somehow bypass the duly mandated Working Group and the need for general agreement in the Working Group.

The President took the Chair.

Those framework resolutionists then had a sudden lapse of courage following the submission of draft resolution A/52/L.7, which warned them clearly that the adoption of any resolution with Charter amendment implications would require the endorsement of two thirds of the total membership of the United Nations as referred to in Article 108 of the Charter. It was quite obvious that the proponents of a framework resolution did not have the support of 124 members then, no more than they have it now or probably ever in future. Therefore, they had to back down from their ill-considered plan.

This year again, fresh efforts started in the same group to put forward a draft framework resolution at this session of the General Assembly. An analysis of the

supporters of these moves shows that they now fall into two categories of countries. The main category is seeking a quick fix in order to further the narrow parochial interests of a few to the detriment of the common weal of a vast number of small and medium-size countries. A second, smaller, category consists of those countries that fear that any delay in the expansion of the Security Council might result in the demand for a single European Union seat, which could consequently affect their own current status.

Let us be absolutely clear. All proponents of a framework resolution or of a stage-by-stage approach aim only at circumventing the Open-ended Working Group's mandate as defined by General Assembly resolution 48/26, namely to reach general agreement on this issue. That concept of general agreement implies a vote of somewhere between two thirds of the membership of the United Nations and total consensus. It obviously cannot be achieved by ignoring the views of so large a majority of countries as lies within the membership of the Non-Aligned Movement.

Allow me to elucidate this last point. The idea of a framework resolution, dreamt up by a past President of the Assembly in a moment of non-mandated zeal, envisages an increase in membership of the Security Council from 15 to 24, thereby ignoring the demand of the vast majority of countries, including the members of the Non-Aligned Movement, that the increased membership should not be less than 26. Similarly, the demand of the African Group that it should be given two permanent seats has been completely ignored. The proposal also does not take on board the demand of the vast majority of Member States that the veto should be curtailed with a view to its elimination and that the Charter should be amended so that, as a first step, the veto power would apply only to actions taken under Chapter VII of the Charter. In addition, it is being proposed, despite its having already been clearly rejected in the Working Group earlier this year, that the veto issue should be delinked from the ongoing exercise and should be discussed separately in another working group to be established for that purpose.

Pakistan rejects any quick-fix solution through the adoption of such a framework resolution. We also believe that the acceptance of any quick fix would amount to repeating the mistake of 1945, when a few countries arrogated to themselves the status of permanent members of the Security Council with the right of veto.

To recapitulate, Pakistan's position all along has been that the reform and expansion of the Security Council are cardinal issues of strategic significance for the ordering of international relations, especially in the next millennium. We firmly believe that the objective of the reform and expansion of the Security Council should be to promote greater democracy, and participation, and transparency, and accountability, in the work of the Security Council.

Pakistan is against any increase in the permanent membership of the Security Council, as this would serve to accommodate the interests of a few countries only and, conversely, would alienate the small and medium-sized countries, which constitute an overwhelming majority in the General Assembly. We strongly advocate an increase in the category of elected non-permanent members only, so as to proportionately reflect the increase in the general membership of the United Nations, particularly in the large number of small and medium-sized States.

The deliberations over the last five years clearly show that there are unbridgeable differences on the issues of composition and the veto. It is therefore time to look seriously at the fallback position of the Non-Aligned Movement that if there is no agreement on other categories of membership, expansion should take place, for the time being, in the non-permanent category.

Let me now turn to draft resolution A/53/L.16, of which Pakistan is a sponsor. The language of the draft resolution is drawn directly from the position of the Non-Aligned Movement, reiterated at its summit meeting held in Durban in just two months ago, in September this year. It states clearly that any draft resolution on this subject with Charter amendment implications must be adopted with a minimum of the two thirds majority of the total membership of the United Nations, as called for in Article 108 of the Charter. In other words, while a much higher figure representing the widest possible consensus, or general agreement, remains the mandated objective in the Working Group, it is now being stated clearly that any vote in the General Assembly on Security Council expansion and reform must have a floor of 124 votes, below which it cannot go. It is difficult for any of us to believe that a matter as important as this could possibly be decided with any lower threshold. In the process, draft resolution A/53/L.16 defends and safeguards the interests of the smaller and medium-sized States.

It is quite clear to most of us that all those who are embarked on disinformation campaigns against draft

resolution A/53/L.16 or who are presenting the amendments contained in document A/53/L.42 are basically trying to attempt Security Council expansion and reform with smaller majorities. My delegation finds this surprising. In fact, we cannot understand how great countries, which pride themselves on being the "new realities" in a world half a century down the line, could possibly entertain the ambition to have their new status recognized on the basis of a vote which could perhaps be even less than half of the total membership of the United Nations. That is why we would in fact have hoped that all these aspirants could have seen fit to join the consensus on draft resolution A/53/L.16 so that we could all work together to give a new fillip to the examination of the question during the current session of the General Assembly.

As for the argument which we have heard from a few countries, that draft resolution A/53/L.16 has implications which go beyond the item under consideration, let me say categorically that our understanding is that the draft resolution has been presented by the sponsors strictly within the framework of the question of equitable representation on and increase in the membership of the Security Council and related matters. It is our understanding that the phrase "any resolution with Charter amendment implications" in the fifth preambular paragraph refers only to resolutions on this specific subject which contain proposals for concrete amendments to the Charter, or which could lead to the possible adoption of such amendments, or which provide criteria or elements for such amendments. Draft resolution A/53/L.16 thus relates to Security Council expansion and reform only.

Draft resolution A/53/L.16 is thus a procedural resolution which is crystal clear. It does no more than restate a position which has been adopted by the Non-Aligned Movement at the summit level, by all its leaders unanimously, a position which carries the additional support of a significant number of non-members of the Non-Aligned Movement also. It is our hope that draft resolution A/53/L.16 will be adopted without a vote because of its inherent merit and because it falls strictly within the spirit of the Charter. It is also our hope that others will desist from their procedural manoeuvres and amendments, which are no more than a transparent attempt to confuse the issue in the murky waters of a quick fix. We hope that the sponsors of these manoeuvres will see the futility of their moves and join the ranks of those of us who believe in the importance of this subject of Security Council expansion and reform and the need to keep it within the letter and the spirit of the Charter.

Let me now briefly touch upon the amendments proposed by Belgium and others in document A/53/L.42. Not surprisingly, this is no more than another attempt to spread confusion among Member States on this important issue of Security Council reform and to further the idea of a quick fix. Allow me to elaborate on why that is so.

First, document A/53/L.42 proposes the replacement of operative paragraph 2 of draft resolution A/53/L.16, which relates to the minimum threshold of votes required for the passage of any draft resolution on Security Council reform in the General Assembly, with a paragraph which merely attempts to define — and in fact, to lower — the meaning of the phrase "general agreement". This, as we know, is part of the mandate of the Working Group, where it is understood to imply a number somewhere between two thirds of the membership of the United Nations and total consensus. Since the concept of general agreement cannot be found either in the Charter of the United Nations or in the rules of procedure of the General Assembly, it obviously cannot be prescribed for voting purposes in the General Assembly itself. It is therefore not difficult to see through the attempt of the sponsors of document A/53/L.42 on this point.

Secondly, document A/53/L.42 proposes that operative paragraph 1 of draft resolution A/53/L.16, which is clearly based on paragraph 67 of the Final Document adopted at the summit of the Non-Aligned Movement in Durban earlier this year, should be replaced with a new paragraph which completely deletes the essential position of the Non-Aligned Movement that efforts at reforming and restructuring the Security Council shall not be subject to any time-frame.

Other amendments in document A/53/L.42 are similar attempts to distract the attention of the membership from the core issue of the voting threshold in the General Assembly in the important matter of the expansion and reform of the Security Council.

For all these reasons, it is the hope of the sponsors and supporters of draft resolution A/53/L.16 that this attempt to amend it through document A/53/L.42 will be defeated roundly and thoroughly.

Finally, may I say how very happy we all are to see you, Mr. President, devoting your personal attention to this important exercise, both here and in the Working Group. With your great experience and guidance, we have no doubt that the Working Group will see forward

movement in its consideration of this matter of such serious concern to us all.

Mr. Samhan Al-Nuaimi (United Arab Emirates) (*interpretation from Arabic*): We would like to express our gratitude to the Chairman of the Working Group and his two Vice-Chairmen for the work done in order to achieve positive results in bolstering the role and effectiveness of the Security Council and the maintenance of international peace and security.

In spite of the sincere desire expressed by the international community, represented by the General Assembly, in recent years to reform the Security Council, expand its membership and enhance its working methods, we must point out that the prolonged and important deliberations that have taken place thus far have served to highlight the political complexities of this issue. We have studied closely the periodic reports of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council and have realized that the differences in views are essentially focused on the scope of the proposed expansion of the membership of the Council, both permanent and non-permanent, and the distribution of its geographical representation. This compels us to refocus the debate within the framework of the Working Group in a more transparent, fair and objective manner in order to have a better understanding of all the views and proposals submitted for consideration, in particular those introduced by the States of the Non-Aligned Movement.

We welcome the concern shown by most of the previous speakers for the need to reach a general agreement on this sensitive issue in accordance with the new structures of international relations. That agreement should be based on the principles of fair and equitable representation in consonance with the principles of the Charter of the United Nations and the provisions of international law.

We also wish to reiterate our support for the recommendations made in the Final Document of the summit of the Non-Aligned Movement, which was held recently in Durban, South Africa. Those recommendations call for the international negotiations on this issue to cover all aspects of the reform and expansion of the Security Council, for they are integral parts of a common and integrated project which should take into account the need for better representation of developing countries based on the principles of the sovereign equality of States and of equitable geographical distribution. This process should also guarantee transparency in the decision-making process, avoiding any tilting towards partiality or selectivity.

We reaffirm the essential role of the Security Council in maintaining international peace and security, yet we find that the Council has on many occasions resorted to a policy of double standards, especially in dealing with Arab issues. That is why we hope that the Council will abandon such a policy and see to it that relevant resolutions are implemented. Furthermore, it has become extremely important today to strengthen consultation and coordination with countries directly concerned or countries affected by a decision of the Security Council by virtue of their geographic position. It is also important that their security and political, economic and social interests be taken into account.

Moreover, we support the proposals to review certain Articles of the Charter with a view to the gradual reduction or rationalization of the use of the right of veto. The use of the veto has proved its negative effects on attempts to contain some of the conflicts inscribed on the Council's agenda. Such use of the right of veto contravenes the objectives of peace set out in the Charter. We must also undertake an objective evaluation of the work of the Council so as to determine the situations in which Council deliberations did not lead to decisions or positions dealing with the substantive reasons leading to those situations.

We would also like to stress the importance and necessity of strengthening coordination between the Security Council, the General Assembly and the International Court of Justice as well as the regional organizations, so as to take into consideration their active participation in the area of political and legal questions. These are among the measures for confidence-building, settling conflicts, and putting an end to situations of occupation and aggression, and violations of human rights.

In conclusion, we would like to express our hope that the current deliberations on reform will lead to positive and concrete results that would yield the reform we all want for the Security Council. We hope that these deliberations will result in better structuring of the Council, and in the improvement of its methods of work and procedures so as to enable it to improve its discharge of its increasing responsibilities in the area of maintaining international security and peace.

Mr. Satoh (Japan): Since this is my first opportunity to address the General Assembly, I would like to begin by paying tribute to you, Mr. President, for the far-sighted manner in which you have been guiding the work of this body. I deem it an honour and a privilege to work with you on the many important issues before the General Assembly.

I am also pleased on this occasion to express the gratitude of my delegation to your predecessor, Mr. Udovenko, who also served as Chairman of the Open-ended Working Group, and to its two co-Vice-Chairmen, Ambassadors Jayanama and Breitenstein. Thanks to their wise and patient leadership and their dedication to our common goal of Security Council reform, the Working Group maintained crucial momentum throughout the course of its work last year.

As we continue our efforts, we must always remind ourselves that our goal in reforming the Security Council is to enhance its legitimacy and effectiveness as the primary organ responsible for the maintenance of international peace and security. This must be done by expanding its membership to render it more representative of the present-day international situation and also by improving its working methods.

Security Council reform is the common objective of all the Members of the United Nations. Thus, as I listened to the previous speakers, I was encouraged by the strength of their commitment to that objective. It is now incumbent upon us to redouble our joint efforts to reach agreement on a package of reforms.

Member States have expended a great deal of time, energy and thought on the issue since the Open-ended Working Group was established five years ago. All the major points have been thoroughly discussed. A convergence of views has been achieved on many issues, and the issues on which agreement remains to be reached have been identified. What is important now is that we muster the will to overcome the remaining differences so that we can move the process forward.

As Japan's Prime Minister, Mr. Keizo Obuchi, stressed in his statement in this Hall last September, we should be

> "able to agree on a package that responds to the interests of the entire international community and to the legitimate concerns of the majority of countries." *(A/PV.8, 52 or 53, p. 19)*

In an effort to help focus our discussions, I would like to state Japan's position on the following three issues.

First, on the future structure of the Security Council, it is clear that a very large majority of Member States agree that Security Council reform should include an increase in both categories of membership, permanent and non-permanent. The Government of Japan also considers that an increase in the permanent membership should be realized through the inclusion of both developed and developing countries, and that the methodology for selecting new permanent members from among developing countries should be left to the respective regions to determine.

At the same time, in view of the dramatically expanded membership of the United Nations as a whole, the addition of an appropriate number of non-permanent seats is necessary in order to make the Security Council truly representative of the international community as a whole. Japan believes that equitable representation could be achieved and effectiveness in its work maintained by expanding its membership to 24 — that is, 10 permanent and 14 non-permanent members.

The second major issue in Security Council reform concerns the veto. This is a complex and highly sensitive issue which requires very careful consideration. Therefore it is advisable for us to address this issue at the stage of formulating a final package of reforms. It is also advisable, given the delicate nature of the veto issue and its fundamental importance to Council reform, that we ask a high-level working group to consider the issue and come up with recommendations.

Let me hasten to add that this approach should by no means be interpreted as a sidestepping of this issue. Rather, we believe that by taking this approach we can avoid the danger that an impasse on the veto question might prevent progress on the other aspects of reform.

Thirdly, Japan believes that any package of Security Council reforms must include measures to improve the working methods of the Council and the transparency of its decision-making process in particular. As we have always stated, Japan regards this aspect of reform to be of just as great importance as other aspects.

Our task in the next round of the Open-ended Working Group is to further advance our negotiations with a view to working out a final package of reforms. In

this process, each of us must summon the courage to take a flexible attitude and demonstrate a willingness to reach agreement on the outstanding issues. Only then can we achieve our common goal, which is to reform the Security Council.

In this context, I would like to refer to draft resolution A/53/L.16, which has been introduced and subsequently revised by the Permanent Representative of Egypt on behalf of its co-sponsors. There are three points I wish to make.

First, with regard to the so-called framework draft resolution to which some members have referred and which A/53/L.16 seems intended to preempt, I just want to draw your attention to the fact that there is no such draft resolution. Nor do we intend to present such a draft resolution without prior consultations with Member States.

Secondly, as many speakers have already pointed out, A/53/L.16 has profound legal implications. According to Article 18 of the Charter, General Assembly resolutions are adopted either by a simple majority or, in the case of important issues, by a two-thirds majority of the members present and voting. The majority mentioned in Article 108 applies to Charter amendments only. Draft resolution L.16, however, in effect entails amending the Charter through a voting procedure that is not provided for in the Charter.

Thirdly, I share the concern that has already been expressed by a number of my colleagues that putting L.16 to a vote at this time could result in an unnecessary confrontation among us. Indeed, a considerable number of countries have already stressed the need for further consultations so as to preserve consensus.

Japan therefore welcomes the President's statement at this morning's session that he will hold consultations following the conclusion of the general debate on the present item, with a view to facilitating negotiations to find a mutually acceptable solution to the matter.

I wish to emphasize that the amendment to A/53/L.16, which was introduced by the Permanent Representative of Belgium and which we are co-sponsoring, is an attempt to make it clear that, as the Charter clearly stipulates, Charter amendments can be effected only through the procedure laid out in Article 108.

Turning our attention to the work of the Working Group next year, I would like to suggest that it might be useful if the various highly motivated and interested regional groups and other groupings of countries would consult with one another and explore points on which compromise might be possible. Ideally, they would come up with concrete proposals that would provide a basis for negotiations on a package of reforms. My delegation is eager to join in any and all such consultations that may be held.

As we continue our work it may be well to ask ourselves: are we really willing to face the challenges of the twenty-first century with a Council whose composition was determined more than 50 years ago and revised only once, 30 years ago? Is it not time that we reconstitute the Council in order to enhance its legitimacy and effectiveness, so that it can better fulfil in the twenty-first century its purpose of maintaining world peace and security? The answers to these questions, I believe, are obvious, and I hope everyone will bear them in mind as we resume our efforts in the Working Group next year.

Mr. Malami (Nigeria): Permit me at the outset to join other speakers who have taken the floor before me in paying tribute to your skilful guidance, Sir, in preparing the ground for today's debate. My delegation would also like to express its immense satisfaction with the excellent manner in which, during the fifty-second session of the General Assembly, Mr. Udovenko of Ukraine conducted the affairs of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

On behalf of my delegation, I wish to acknowledge the Secretary-General's dedication and consistent commitment to the cause of reform, as demonstrated in his comprehensive report which was presented to the fifty-third session of the Assembly. The notion of reform is a positive one that aims at enhancing the efficiency, relevance and flexibility of our Organization, with a view to achieving a greater sense of purpose and real democratization. Since the adoption of resolution 48/26 of 3 December 1993, which established the Open-ended Working Group to consider all aspects of the question of increase of the membership of the Security Council and other related matters, a lot of consideration and deliberations have taken place.

During the current general debate of the Open-ended Working Group, from the first session in January 1998 until now, several positions have been taken by delegations and regional groupings which reflect the diversity of views and perceptions on the basic issue of

reform of the United Nations, especially as it relates to the expansion of permanent membership and to a review of the decision-making methods and processes.

The debates of the Working Group over the last five years have shown not just the multiplicity of opinions of Member States on the need for and the scope of reform of the Security Council but have also brought to light the intricacies of the issue at stake. The Working Group is divided between competing approaches to resolving the issue of Council reform. One approach seeks to perpetuate the status quo in order to prevent regional rivals from becoming permanent members of the Council, while another approach tends to articulate national positions.

On the whole, the majority of Members attending the sessions of the Working Group support an increase in both permanent and non-permanent categories of membership of the Security Council. A large number of delegates also are of the view that the new members of the Security Council should emerge from both developing and industrialized countries.

My delegation is of the view that the issue of equitable representation includes, but is not restricted to, the crucial question of expansion of the Security Council in terms of increasing permanent and non-permanent seats. It also has to do with the working methods and procedures of the Council and the important question of strengthening and re-energizing the Council to better equip it to tackle global challenges as we enter the new millennium. This requires measures such as greater transparency in the conduct of the Council business and closer cooperation and consultation between the Council and the General Assembly. Such measures should increase the participation of Member States in matters that affect them.

Concerning the working methods of the Security Council and the transparency of its work, the session considered several views, including the question of improving the present relationship between the Security Council and the General Assembly, fine-tuning consultations between the Council and countries contributing to peacekeeping, and effective participation of non-members in the work of the Security Council.

It is tempting to get discouraged about the absence of significant progress in the work of the Open-ended Working Group on the subject of the expansion and democratization of the Security Council. However, one must continue to have faith in the ability of Member States to eventually overcome differences of opinion and reach consensus on the matter.

Let me reiterate the assertion the head of State of the Federal Republic of Nigeria, General Abdulsalami A. Abubakar, made in plenary during the fifty-third session of the General Assembly: the United Nations must correct the anomalies in the composition and size of the Security Council which result in there being no African representation in the permanent membership category despite the fact that the 53 African Member States constitute almost one third of the entire membership of the United Nations.

It is therefore right to uphold the decision of the Organization of African Unity taken at its last summit meeting to seek two permanent seats for Africa in a reformed and expanded Security Council. That decision reflects the relevance of Africa in the international system and deserves the full support of Member States.

My delegation appeals to all Member countries to concentrate on achieving a consensus regarding the best way forward to expand and democratize the Security Council. This would be in the best interest of the United Nations, since a well-structured reform will revitalize the Organization and enable it to be more efficient and effective in carrying out its mandate on behalf of the entire membership.

Mr. Moubarak (Lebanon): Allow me at the outset to salute your high qualities, Mr. President, as a statesman and diplomat and to wish you a most successful outcome in our work.

On several occasions, my delegation has stated its position regarding the reform of the Security Council. Today I would like to sum up our position.

My delegation is firmly convinced that the Open-ended Working Group would not have met the deadlock it has been facing for years if the geographical approach had been followed since the adoption of resolution 48/26, especially as the projected increase in membership of the Security Council is to be based on equitable geographical distribution. We should always keep in mind that resolution 48/26, which governs the issue, underlines clearly that the reform of the Council will have to be on an equitable and geographical basis. My delegation, which supports fully the principle of geographical rotation embodied in the two Arab papers, believes that geographical groups should determine what States from

their respective groups will be filling the seats allocated to their geographical group. This is the meaning of our paper (A/AC.247/1998/CRP.2) of 2 February 1998, which emphasizes the modalities to implement our first paper, of May 1997.

This brings us to some schemes, official or hidden, which have developed since 1997 aimed at circumventing, first, the Charter, secondly, the rules of procedure of the General Assembly, thirdly, resolution 48/26, fourthly, the general agreement and, fifthly, the geographical approach.

All this manoeuvring has meant a loss of time and has not brought about any result. It has been rejected for not respecting the rules of the game. In reaction to those manoeuvres, the Non-Aligned Movement, from New York to Cartagena to Durban, has constantly underlined the necessity to abide by the texts in reaffirming the centrality of Article 108 of the Charter. This is the meaning of draft resolution A/53/L.16, sponsored by 33 Member States, including Lebanon.

The Non-Aligned Movement has always stuck to the terms of resolution 48/26, and in particular the concept of general agreement, which ensures that any reform of the Security Council shall be adopted by an overwhelming majority of United Nations Members — general agreement meaning less than consensus and more than two thirds of the entire United Nations membership and not two thirds of those present and voting.

Let us not forget that, at the end of the day in 1945, the unanimity of the 51 signatory States agreed on the establishment of five permanent seats, and in 1963 the majority was 85 per cent for the establishment of new non-permanent seats. How could we imagine today that a lower majority would legitimately establish not only new non-permanent seats but also new permanent seats? This is why resolution 48/26 speaks clearly of general agreement. This brings us to the legal meaning of general agreement.

It is clear that in Articles 108 and 109 the United Nations Charter provides for a two-thirds majority of General Assembly members on amendments and revision of the Charter and not the two-thirds majority of the members present and voting for important questions, as stipulated in Article 18, paragraph 2, of the Charter and rule 83 of the rules of procedure, or a majority of the members present and voting for other questions, as stipulated in Article 18, paragraph 3, and rule 85. It is thus out of the question that the majority required for Security Council reform could be the simple majority indicated in Article 18 of the Charter.

This is why the Non-Aligned Movement has been constantly specifying that the reform of the Council must be dealt with under the relevant terms of the Charter and the appropriate rules of procedure of the General Assembly. It has consistently reaffirmed at each of its conferences, ministerial or summit, that the majority required is provided for in Article 108. This was reflected in 1997 in draft resolution A/52/L.7, presented by 22 Member States, including Lebanon. It is today reflected more explicitly in draft resolution A/53/L.16, presented by 33 Member States, including Lebanon. Draft resolution A/53/L.16 sticks to the declaration regarding the reform of the Security Council issued by the Heads of State or Government of non-aligned countries at the summit held in Durban from 29 August to 3 September 1998, reaffirming that any resolution with Charter amendment implications must be adopted by the two-thirds majority of the United Nations membership referred to in Article 108 of the Charter.

We reiterate and emphasize that this reform is of such importance that no time-frame should be imposed on the subject in order to allow Member States to reach the general agreement envisaged in General Assembly resolution 48/26. Any resolution with Charter amendment implications must be adopted by the two-thirds majority of the United Nations membership referred to in Article 108 of the Charter. This is why we are pressing for the adoption of draft resolution A/53/L.16. It is high time to tackle seriously this issue. No State could ever pretend to fill a permanent seat with a simple majority, and this is the purpose of draft resolution A/53/L.16. When draft resolution A/53/L.16 is adopted, quick-fix dreams will evaporate and all of us will finally be able to discuss seriously the reform of the Security Council within view of reaching a general agreement.

Incidentally, it might be very useful to keep in mind that at least 63 Member States — more than one third of the United Nations membership — officially back the same geographical rotation formula of permanent seats in the projected increase in permanent membership. At least three papers concur about reaching this goal through ideas presented in the Working Group.

Let us face it: Africa is the leading example to follow if we are ever to achieve an equitable geographical reform of the Council. It does not serve any purpose to

beat around the bush in trying to circumvent geographical groups or to ignore geographical rotation.

When it comes to substance and procedure, Lebanon believes, along with the Non-Aligned Movement and the Arab Group, that the Council should expand in both the permanent and non-permanent categories. We stand firmly behind the declaration of the Durban summit and reiterate our stand, as reflected in the two papers presented by the Arab Group — A/AC.247/1997/CRP.7 of 9 July 1997 and A/AC.247/1998/CRP.2 of 2 February 1998. Our position stems from the fact that the Arab Members share the great concern attached by all United Nations Members to the question of equitable representation on and increase in the membership of the Security Council, and also to other matters related to the work of the Council. The Arab States consider that maintaining international peace and security is a collective responsibility which entitles everyone to participate effectively. They are keen to play an active role to further their participation in this regard. The Arab countries represent 12 per cent of the general membership of the United Nations, and they request to be represented in the Council in proportion to their number in the Organization, in accordance with the principle of equitable geographical representation.

In case additional permanent seats are to be added to the Council, the Arab Group requests to be allocated one permanent seat with all its prerogatives, as enunciated in the Arab Group ministerial resolution dated 21 September 1993. The countries of the Arab Group will seek this goal in coordination with the African or the Asian Group to which they respectively belong.

This having been said, allow me to explain why geographical groups are duty-bound to determine their representation to fill the permanent seat or seats allocated to their group, and I will focus here on the case of the Asian Group, to which Lebanon and 10 other Arab States belong.

We have stated on many occasions the five reasons governing the modus operandi Arab paper of 1998. First, substantive matters have already been discussed in the Asian Group. We will recall that some member States of the Asian Group have claimed that the Asian Group never dealt with substantive matters. This is not accurate. We documented this point time and again and recalled the many discussions on representation of the Asian Group in subsidiary organs of the Economic and Social Council, including operational organs which were established as a consequence of main international conferences convened under the auspices of the United Nations, the Commission on Sustainable Development, the Commission on Population and Development, the Commission for Social Development and the Executive Board of the World Food Programme, to name just a few.

Secondly, even if, for argument's sake, we were to admit that the Asian Group has never discussed matters of substance — and we have seen that this is not the case — the Asian Group will in any case have to discuss the matter of increased Asian representation in the Council's membership because, whether we like it or not, this increase in both non-permanent and permanent categories is of direct concern to the Asian Group and to all delegations of our Group and will directly affect the future of our countries. Why? Because the increase will take place on a geographical basis.

Few countries refuse to discuss substance? That is fine with us. But what about candidatures? Would all Asian delegations admit that the Asian Group is entitled to discuss candidatures? I think they would. Everyone knows that the Asian Group has discussed the guidelines in their proper setting. So if the Asian Group is to discuss candidatures, which has always been the case in the Asian Group, why not discuss candidatures for permanent seats? Who said it was forbidden?

And now we come to the core of the matter. My delegation would like to know how it is possible to discuss candidatures without discussing substance, and vice versa, candidatures and substance being truly indissociable. They are like the two sides of the same coin: you cannot deal with one without dealing with the other. Because we have to discuss candidatures, we also have to discuss substance.

Thirdly, the Asian Group does not live in a vacuum. It has to take into consideration the positions of other geographical groups, and particularly the position of the African Group, and I will explain why.

It is a fact that resolution 1991 (XVIII) A of 1963, which established the distribution of the last increase in non-permanent seats in the Security Council, states in paragraph 3 that the Security Council shall be elected according to the following pattern:

"(a) Five from African and Asian States;"

and I repeat,

"(a) Five from African and Asian States;
(b) one from Eastern European States;
(c) two from Latin American States;
(d) two from Western European and other States."

At the outset, my delegation would like to restate its full backing for the African position requesting two permanent seats with veto power and other non-permanent seats. The request is just and has the full support of Lebanon and the Arab Group. I would like to recall that the Arab paper, distributed by the Permanent Representative of Bahrain in document A/AC.247/1998/CRP.2, backs fully the principle of geographical rotation of permanent seats.

We realize clearly here that the Asian and African Groups are intertwined in resolution 1991 (XVIII) and their distribution in the enlarged Council since 1963 has been considered in a similar pattern. Today the African Group is composed of 53 Member States and the Asian Group of 50, which means that the Asian Group will get roughly the same increase in both permanent and non-permanent seats.

May I add that resolution 1991 (XVIII) B decides in paragraph 3, regarding the representation of the Economic and Social Council, that additional members shall be elected according to the following pattern:

"(a) Seven from African and Asian States".

This is to stress that a link was defined in 1963, when the Charter was amended, between the African Group and the Asian Group in the increased membership of both the Security Council and the Economic and Social Council through the gentlemen's agreement of 1963 between the Asian Group and the African Group, and it is likely to be so in the projected enlargement of the Council. Even if the African Group and the Asian Group were not intertwined in resolution 1991 (XVIII), it remains obvious that the Asian Group still has to define its objectives and the means to attain these objectives, because we are part and parcel of the general agreement to be reached.

Fourthly, allow me to focus on resolution 48/26, Article 23 of the Charter and rule 143 of the rules of procedure of the General Assembly.

These texts, which are neither restrictive nor exclusive with regard to candidatures, are relevant to our discussion on the election of non-permanent members in the existing and in the projected Council, but definitely not for permanent membership, because in 1945 the founding fathers of the United Nations did not foresee that the day would come when new permanent seats would be added to the existing permanent five.

Criteria enumerated in Article 23 of the Charter and rule 143 of the rules of procedure brought about the election of 21 Member States of the Asian Group out of 50 for non-permanent Asian seats in the Security Council. But what about criteria for permanent membership candidatures? There are none, because these texts, which constitute the reference for candidatures for non-permanent membership, are silent on the matter of new permanent members simply because the Charter adopted in 1945 did not consider the dramatic changes to come 50 years later and reflected in our debates in the last five years. This is why the Asian Group has to agree on criteria and on the number of new permanent Asian seats. This clearly concerns Asian representation in the Council, and the contenders aiming at occupying permanent seats will ultimately be able to fill the seats because they are primarily members of the Asian Group. Today, very few countries in the Asian Group refuse to allow the Asian Group to deal with this fundamental topic in its proper setting while allowing discussion on the representation of the Asian Group in other bodies of the United Nations.

But ultimately, the Asian Group, after deciding on its system for permanent membership, will have to deal with criteria for candidatures for permanent membership to fill the projected Asian seats. Article 23 could be one source of inspiration from which to draw some of the criteria for Asian representation, for new permanent Asian membership. Other criteria should be discussed as well. But it is of paramount importance that the proposed criteria should be democratic and non-discriminatory, if they are to ensure general agreement.

For the time being the Asian Group lacks a common approach to the system of representation, as well as criteria and, hence, candidatures regarding new permanent seats. It is high time to tackle the issue. And this is precisely one of the objectives of the "eleven Arab States démarche".

Fifthly, whether the Council is composed of 20, 21, 24, 26 or at least 26 members, the share of the Asian Group will be enlarged accordingly. If the Asian Group is not to be involved as such in the negotiations, I wonder who will speak for the Asian Group.

There has always been a general agreement, since Dumbarton Oaks, that the size of the Security Council should be large enough to provide for the inclusion of various interests, yet small enough to act efficiently.

At the inception of the United Nations in 1945, the Security Council consisted of 21.6 per cent of the membership. In 1963 the new ratio of Council membership to that of the Organization as a whole was 13.25 per cent. It follows that the new Council should consist of at least 26 members if it is to reflect a similar ratio to that of 1963. This is why the Non-Aligned Movement, the Arab Group and the Organization of the Islamic Conference have always called for an increase which would ensure a membership of at least 26 in the Council. Failure to do so would run contrary to the spirit and the letter of resolution 48/26, which underlines the principle of equitable geographical distribution.

The Asian Group has a crucial role to play in the reform of the Security Council. This is why we call on all its members to show flexibility and open-mindedness in order to allow the launching of a thorough discussion with a view to bringing about a democratic debate among the 50 member States of the Group. The Asian Group, which never had the chance to embark on the consideration of the question, is duty-bound to decide on its system of representation and on candidatures for the Security Council, whether for new permanent or non-permanent seats.

We should always keep in mind that we are dealing with the representation of the Asian Group in the Security Council in both categories. It is time to study the issue if we are to unlock the present impasse on Security Council reform.

If posturing continues to block the necessary geographical approach to the representation of each geographical group in the projected new permanent and non-permanent seats, the stalemate will continue in the work of the Open-ended Working Group.

Does this mean that we are back to square one? Definitely not. In the last five years, we have achieved a lot in both clusters I and II, and today, when draft resolution A/53/L.16 is adopted, the General Assembly will be reminding everyone that texts — whether the Charter, resolutions or the rules of procedure — are to be implemented in order to allow the general agreement that will confer the necessary legitimacy on the foreseen enlargement of the Security Council. We believe firmly that the adoption of draft resolution A/53/L.16 by the General Assembly at the conclusion of our debate on this item will serve to provide a new impetus to the process of Security Council reform.

Mr. Mapuranga (Zimbabwe): I wish to associate my delegation with the draft resolution before us in document A/53/L.16, entitled "Question of equitable representation on and increase in the membership of the Security Council and related matters", under agenda item 59. As we look ahead to continued debate in the Working Group of the General Assembly on the reform and expansion of the Security Council, it is pertinent that we highlight those areas which need serious treatment in order to give impetus to the work of the Working Group.

I wish to recall a number of ministerial meetings of the Non-Aligned Movement, as well as meetings at the level of heads of State or Government, including the recent Non-Aligned Movement summit in Durban, held only two months ago, which resolved that where there is a need for the Charter of the United Nations to be amended, then this Assembly is to be guided by Article 108 of the Charter. Article 108 stipulates that amendments to the present Charter of the United Nations must be "adopted by a vote of two thirds of the members of the General Assembly" in order for the amendments to come into effect after due ratification by Member States.

Article 18, to which several Member States or delegations have alluded, though it deals with important matters on which decisions must be taken by the General Assembly, does not address decisions with Charter amendment implications. We believe this mode of amendment is constitutional and legal under the United Nations Charter and that it allows all Member States to exercise their rights on behalf of their populations when changes are made to any of the provisions of the United Nations Charter.

My delegation is a sponsor of this draft resolution because it covers well the concerns of my country and my continent, Africa. The Assembly will recall that my delegation has said, both here and in the Working Group, and it will continue to say, now and in the future, that Africa wants two permanent and three non-permanent seats on the expanded Security Council, with new permanent members enjoying the same privileges as those exercised by the current permanent members. Africa requests that its permanent seats be held on a rotational basis, as determined by the Africans themselves and as

approved by this Assembly. This is in keeping with the resolutions adopted by the African heads of State or Government in Harare last year, and in Burkina Faso in August this year.

Similarly, Zimbabwe concurs with the decision of the countries of the Non-Aligned Movement that the Security Council, in order to be representative, needs to be expanded to 26 members. We would want it to be expanded in both categories. In order for the Security Council to be democratic in its decision-making mechanism, the veto needs to be restricted to matters pertaining to Chapter VII of the Charter, with a view to the eventual elimination of the veto. Meanwhile, my delegation believes that no members of the Security Council should be discriminated against as far as the use of the veto is concerned.

The draft resolution now before the General Assembly, while calling for the debate to reach the earliest possible conclusion, provides that no time-frame should be stipulated, but rather that any decisions must take into account the concerns of all regions in crafting the size and composition of the new and expanded Security Council. Above all, there should be no quick fix to this important issue. This has been the stand of the Non-Aligned Movement and Africa all along. We, for our part, will continue to remind our colleagues of this in our negotiations.

Let me conclude by making one observation in order to quell any innuendo or rumour. My delegation is co-sponsoring the draft resolution on Security Council reform in good faith. The draft is not against Germany or Japan or any other Member of the United Nations. We are convinced that the time has simply come for the silent majority to speak on the two operational principles enshrined in the draft resolution so that our future actions will be rooted in the agreed upon guidelines.

My delegation, accordingly, urges the adoption of draft resolution A/53/L.16 by the Assembly.

Mr. Lee See-young (Republic of Korea): The reform of the Security Council remains one of the top priority issues on our agenda, despite intensive deliberations among Member States for the past five years. The Republic of Korea has steadfastly supported the expansion of the Security Council and the democratic reform of its working methods. We believe that the Security Council should be expanded to better represent today's United Nations, which now has 185 Member States, a figure more than three times what it was in 1945. Furthermore, to be more effective, the expanded Council should work in a more democratic manner. These are indeed extremely important and very challenging tasks we should address together.

Although our departure point is the present, our aim in discussing Security Council reform should be directed towards the future. The process of reform should be undertaken in anticipation of the new international realities of the twenty-first century so as to enable the world community to meet the enormous challenges it will have to face for many decades to come.

The deliberations of the past five years in the Open-ended Working Group have confirmed the existence of broad support for the expansion of the Security Council. But the unfortunate reality is that we have not been able to find an expansion package which can enjoy general agreement. Divergent views still exist on a number of important issues such as the categories and total size of the enlarged Council, qualifications and modalities for the selection of the new membership and the system of periodic review.

With regard to the issue of the categories and size of the enlarged Council, particular care should be given to ensuring that all Member States can serve in the Council with reasonable frequency, commensurate with their capabilities to contribute to international peace and security. The utmost caution should also be exercised against ending up only with the empowerment of a select few Member States with a privileged status. In this vein, we are convinced that the number of veto holders must not be increased. The veto is indeed an exception to the principle of sovereign equality — it came about under the special circumstances after the Second World War — and therefore should not be expanded, but rather rationalized.

As to the issue of permanent membership, many questions remain unanswered. Regardless of whether or when the international community can find optimal answers to these questions, we are always prepared to go ahead with the expansion of the non-permanent membership. By definition, non-permanency through periodic elections better ensures the democratic representativeness of the Security Council.

In this connection, we also believe that an increased number of non-permanent seats should be distributed on a more equitable geographical basis. We should take into account all relevant factors, including the changed

configurations which have come about in each regional group in the United Nations in the post-cold-war era. Given the recent enlargement of the membership and the geographical coverage of the Asian Group, it deserves special consideration in the composition of an expanded Council.

My Government also attaches high priority to the issue of periodic review of the enlarged Council. To be meaningful, periodic review should be undertaken in a substantive manner within a reasonable time-frame. In this regard, my delegation submitted a conference room paper to the Open-ended Working Group, as contained in its report to the General Assembly. We hope that this proposal will be examined more thoroughly by next year's Working Group.

The issue of improving transparency in the work of the Security Council is no less important than Council expansion itself. It is our firm belief that ensuring greater transparency will lead the Council to greater efficiency in its work. With this conviction, my delegation, together with those of other non-permanent members, took a joint initiative in December last year to make a number of practical suggestions for transparency measures. We followed it up in the Open-ended Working Group by submitting two conference room papers, as contained in the Working Group's report.

In this regard, we welcome the open meeting of the Security Council held recently, on 10 November, to hear the briefing by Mrs. Ogata, the United Nations High Commissioner for Refugees, on protection for humanitarian assistance to refugees and others in conflict situations. This is a positive step forward. We also hope that it will become a regular feature of the Council. We have suggested a number of other practical steps which can be taken by Council members to increase the frequency of open meetings. For example, the incoming President of the Council could consider the provisional monthly programme in an open meeting rather than in a closed setting. This would allow the general membership to observe first-hand how the Council was going to work in that particular month. It would be a good way to engage the general membership in the work of the Council.

My delegation believes that the time has come to take stock of our past discussions and concentrate on the remaining issues. We will have to work hard together to reach general agreement on a reform package. My Government holds the consistent view that general agreement must adhere as closely as possible to consensus. Any decision on a reform package that neglects the minority positions could do more to undermine than to strengthen the integrity of the United Nations by dividing the general membership.

However, in case we have to take a decision by a vote on the Security Council reform package, we firmly believe it should be taken by at least a two-thirds majority of the entire United Nations membership, as stipulated in Article 108 of the Charter, since any reform package will require Charter amendment. It is self-evident from the Charter that the two-thirds majority of all members should be the minimum threshold. Any attempt to apply a lower threshold is simply unacceptable, given the gravity of the decisions and their virtual intractability for a long time to come. Those are the reasons which led the Republic of Korea to co-sponsor the draft resolution contained in document A/53/L.16.

For the last two days, we have heard many arguments about draft resolution A/53/L.16. I would like to take this opportunity to clarify a few points. First, contrary to some arguments, draft resolution A/53/L.16 does not ask for a complicated decision. Instead, it poses a very simple procedural question which is related only to the decision-making procedure to be applied to Security Council reform. Secondly, it provides a very clear-cut answer which is perfectly consistent with the letter and spirit of the Charter. The draft resolution upholds the integrity of the Charter, as it fills a procedural gap in the rules of procedure of the General Assembly in accordance with the relevant provisions of the Charter. Thirdly, the language of draft resolution A/53/L.16 is a faithful reflection of the decision already taken at the recent summit of the Non-Aligned Movement in Durban, which commands the support of the large majority of United Nations Members.

Fourthly, regarding concern about the meaning of the phrase "any resolution with Charter amendment implications", let me quote what Ambassador Elaraby of Egypt stated yesterday:

> "the phrase 'any resolution with Charter amendment implications' ... in operative paragraph 2 of the draft resolution refers to any resolution on the question of equitable representation on and increase in the membership of the Security Council and related matters which contains criteria for, or elements to be incorporated in, an amendment to the

Charter or that lead to the possible adoption of amendments to the Charter." (*A/54/PV.63*)

Allow me now to make some comments on the amendments contained in document A/53/L.42. It is positive to note that the sponsors of document A/53/L.42 now recognize that the two-thirds majority of the entire membership should be the basis for decision-making on any Security Council reform package, although some of them which I do not wish to name, were not of that view until very recently. However, document A/53/L.42 is unacceptable to us because of the following shortcomings.

First, the amendment to operative paragraph 2 contained in paragraph 5 of document A/53/L.42, by referring to resolution 48/26, which concerns only the mandate of the Working Group, fails to address the real question posed by draft resolution A/53/L.16, namely, the decision-making procedure of the General Assembly itself.

Secondly, we find that document A/53/L.42 attempts to create another rule to be applied without the legal basis of the Charter. While draft resolution A/53/L.16 is based on the provision of Article 108 of the Charter, document A/53/L.42 bases its argument merely on another General Assembly resolution.

Thirdly, many doubts exist about the political intentions behind document A/53/L.42. As aptly pointed out by the Singaporean Ambassador yesterday, legal arguments have frequently been used to cover up political calculations. As for myself, I wish this were not the case with the sponsors of document A/53/L.42. We therefore expect them to take into account the above-mentioned shortcomings and come closer to the position maintained in draft resolution A/53/L.16 so that it can be adopted by consensus.

The adoption of draft resolution A/53/L.16 will clear up procedural uncertainties which have been hanging over the Security Council reform process. It will be a positive step forward in providing a fresh momentum to seeking general agreement on the substantive questions involving Council reform.

We expect that under your able leadership, Mr. President, next year's Working Group will reap a fruitful result and, indeed, we all count on you. I would like to conclude by reiterating the abiding commitment of my Government to the credible and democratic reform of the Security Council.

Mr. Petrella (Argentina) (*interpretation from Spanish*): May I begin by expressing my delegation's appreciation for the efforts and activities of the former Chairman of the Working Group, Mr. Udovenko of Ukraine, and by the Vice-Chairmen, Ambassadors Breitenstein of Finland and Jayanama of Thailand. All of us who have participated in the discussion of this delicate matter for the past five years pay tribute to them.

These five years have not been years of academic or sterile discussions. On the contrary, they have helped us all realize the difficult and serious implications of the reform of the Security Council.

Building a new international security system for the twenty-first century requires, in the first place, that we definitively abandon many of the criteria that served as a basis in 1945 for the current Security Council. Abandoning these criteria does not necessarily mean doing away with all that exists today. Abandoning the old criteria means specifically that the new Security Council should be built, without affecting the essential aspects of its structure, in a way that does not add new privileges or privileged categories, does not exclude the great majority of countries and that does not jeopardize the democratic principles on which the Charter was drafted after the Second World War.

To try today, at the end of the twentieth century, to return to 1945 would make no sense. To attempt to do so when, among other things, we are trying to incorporate civil society within the United Nations, would be an anachronism. Only the ambitions of a very few are creating the difficulties that we now face.

It is a regrettable contradiction to think that we could reform the security system by making it less democratic and more exclusive at a time when the Group of 7 demands more democracy and greater transparency on the part of the financial bodies in the construction of a new international financial architecture. It is even more regrettable, and incomprehensible, in the context of the process of European integration characterized by common statutes, a single currency, a common central bank, a common foreign policy and a common rotating presidency.

Imagine for only a moment the immense rupture that would be created by the establishment of unprecedented privileges in continents where by history, tradition and legal norms the sovereign equality of all States has been enshrined, as is the case in Latin America and the

Caribbean, a region to which your country, Mr. President, and my own have the honour to belong.

The debate on draft resolution A/53/L.16 is merely a sample of the difficulty that reform of the Council entails. We must not allow some of the arguments formulated during the debate to confuse the meaning of the draft resolution. The draft resolution is of an exclusively procedural nature. It does not seek to create a third category of decisions not contemplated in Article 18 of the Charter. It seeks merely to guarantee that — in the context of the question of Security Council reform — decisions that imply amendments, or elements or criteria to be incorporated into amendments, be adopted in accordance with Article 108. Without draft resolution A/53/L.16 this type of decision could be adopted by only 70 or 80 votes, clearly contradicting the spirit and the letter of the Charter. The draft resolution is aimed precisely at preserving the integrity of the Charter and all its provisions.

To claim that draft resolution A/53/L.16 would have drastic legal consequences is to take it out of context: paragraph 2 clearly refers to any resolution on the question of equitable representation on and increase in the membership of the Security Council and related matters.

Argentina considers it essential that the Security Council reform its working methods and that it become a more transparent organ, so that national parliaments and public opinion can appreciate its vitally important work. Here, we congratulate the United States, which is presiding over the Council this month, on having convened an open debate on the question of refugees. We were inspired by that initiative because since the very first time it participated in the work of the Security Council Argentina has advocated the need for transparency; along with New Zealand, we submitted a document in that regard only a few years ago. We hope that the United States initiative will be followed up.

Mr. President, I would like expressly to state my delegation's agreement and admiration at the way in which you are guiding the work of the Assembly at this critical and difficult moment in history, which is unprecedented since we first began the reform process. We are convinced that with your ability and sensitivity you will be able to control this debate in order to avoid the rifts that we have seen appearing.

Such rifts are the result of hurried analysis of draft resolution A/53/L.16, and respond to petty interests. Opponents of the draft resolution see in it an obstacle to their wish to obtain permanent membership of the Security Council with the support of a minority of the General Assembly. But it would be to the greater benefit of both the United Nations and the interests of those countries if those aspirations were legitimized through general agreement paving the way to a clear constitutional majority.

We are far from agreement on the basis for eventual reform of the Security Council. The vast majority of medium-sized and small countries, developing and developed alike, do not seem to be willing to be permanently left out of the new architecture of international security. We all know that those that today accept being left out in matters of security — which are the very essence of the United Nations — will be unable to make their voices heard tomorrow on equally important issues such as development and human rights.

We are convinced, Sir, that with your guidance and counsel, based on your great political and legal experience, the Assembly will be able to return to the path of consensus despite all the difficulties, and thus meet the legitimate interests of the great majority of members.

For the reasons I have set out, my delegation proposes that draft resolution A/53/L.16 be adopted by consensus.

Mr. Mabilangan (Philippines): As one of the founding Members of the United Nations, the Philippines led the effort 23 years ago to establish the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which at that time provided the only opportunity for thorough assessment and improvement of the United Nations, and particularly of the Security Council. I bring this historic perspective to bear on our work as we consider last year's report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

During the first years of the Special Committee on the Charter, an aspect of its work that we found discouraging was its inability to come up with substantive recommendations to the General Assembly on questions of the maintenance of international peace and security, including proposals for the reform of the Security Council. This was particularly astonishing in the light of a review of the richness and wide variety of proposals

put forward by members of the Special Committee in the course of its work. Today, 23 years later, we are confronted with the same situation with regard to our work. There is despair and frustration with regard to our efforts to improve the United Nations, particularly the Security Council. We should reflect, and should ask ourselves how our frequent acts of omission have contributed to this sense of frustration.

My delegation's position on Security Council reform is well known. In the light of our long involvement with the United Nations, we, like all other Member States, have a vital stake in the ongoing reform process. The structure of the Security Council was created at the end of the Second World War — and at the beginning of the cold war. Massive changes have occurred in the world, particularly in recent years. The membership of the United Nations has multiplied almost fourfold, yet, apart from its enlargement from nine to fifteen, the Security Council's membership has not changed. It has remained small, unrepresentative, undemocratic and opaque. In this regard, we reaffirm the Non-Aligned Movement formula for the enlargement of the Council, as well as the Movement's position regarding the importance of enhancing the transparency of the Security Council through the improvement of its working methods and decision-making process, including the important issue of the veto.

The Philippines considers the issue of reform of the veto power to be one of the most enduring and controversial questions before the United Nations. Our interest in addressing that question goes back over two decades — 23 years to be exact — when the Philippines proposed, *inter alia*, that the requirement of unanimity among permanent members should be circumscribed. In this regard, we can think of no basis for an outcome at this time preferable to a focus on the proposal of the Non-Aligned Movement that, failing its abolition, the veto should be curtailed and rationalized, and that the Working Group should set out to recommend, *inter alia*, that the Charter be amended so that, as a first step, the veto power should apply only to actions taken under Chapter VII of the Charter. We reiterate the view of the Non-Aligned Movement that there are no provisions either in the Charter or in the Security Council's provisional rules of procedure specifying the modalities or criteria for the use of the veto.

At its next session, the Working Group should undertake an in-depth examination of various options on how best to secure a limitation of the application of the veto with a view to ensuring that it is used only on questions of vital importance or when its use would serve as a mechanism for preventing conflicts between major Powers — for instance, situations with direct and tangible security implications for any of the permanent members. Our efforts to achieve that objective should move beyond general statements and should aim at specific and concrete results. The most straightforward way would be for the Working Group to recommend a new provision of the Charter stating in an appropriate fashion that the veto or unanimity principle be limited to matters falling under Chapter VII.

With respect to further work on the question of the veto, we reiterate our proposal that the following considerations be taken into account by the Working Group.

First, the Group should take account of the view expressed by certain delegations in previous discussions of the veto, to the effect that many of the situations the Council is addressing no longer engage the direct national interests of the veto-holders, and are not perceived as having the potential for leading to conflict between major Powers. There is really no need for the veto most of the time.

Secondly, other sources of tension such as human rights, economic disputes and the environment — as well as intra-State conflicts rather than inter-State conflicts — are increasingly considered as factors directly affecting international peace and security. Hence the consequences and ramifications of Security Council actions, or non-action caused by the veto, will certainly expand beyond what they were under a more restricted definition of international peace and security and ultimately affect, for better or for worse, the role and perception of the Council as the United Nations organ with the primary responsibility for the maintenance of international peace and security. More circumspect use and application of the veto in the context of an expanding Council mandate and definition of international peace and security is an issue that must be taken into account by our Group.

Thirdly, we subscribe to the notion that a truly reformed United Nations requires, among other things, greater balance or sharing of responsibilities among United Nations organs in accordance with their respective mandates — particularly between the General Assembly, which has the most comprehensive mandate of any United Nations organ, and the Security Council — due to the growing number of factors now deemed to affect international peace and security and the need for broader-based decision-making based on democratic principles.

There are matters that we feel the Council should be willing to share with the Assembly in terms of decision-making, particularly through the non-use of the veto.

My delegation takes note of draft resolution A/53/L.16, submitted under agenda item 59. Decisions relating to the Security Council should reflect the will of Member States and should have the support and confidence of the general membership. In this regard, we hope that a compromise or a consensus can be reached before we finally take action.

We realize that the task before us of reforming the Security Council involves a politically sensitive process and therefore more time will be needed to complete our work. Nevertheless, the work of the Group must progress and in this regard all Members must exercise the necessary political will and flexibility and reach agreement within a realistic time-frame.

Mr. Rodríguez Parrilla (Cuba) (*interpretation from Spanish*): The Security Council is not democratic and must be democratized. The imperial and anachronistic privilege of the veto must disappear. The Council increasingly endows itself with new mandates in flagrant violation of the Charter and rides roughshod over the powers of the General Assembly. Its procedures are ironically provisional and definitely conspiratorial. The participation of the Member States of the United Nations in the work of the Council is a fantasy, and to assert that the Council is acting by virtue of the mandate from and on behalf of the Member States and that it is accountable to them is pure fiction. Simply put, the dictatorship of the Security Council is a gross violation of the principle of the sovereign equality of States upon which this Organization is founded. President Fidel Castro recently touched on these issues.

The substantive reasons that obstruct Security Council reform are the same ones that dictate the present anatomy and physiology of the Council. Let us not delude ourselves by thinking that this vicious circle is attributable to differences among those of us who want to change the current situation in one way or another. It is not due to internal disagreements among the reformists, nor to divergences of opinion between the "coffee club" and the "proactive" group. The substantive cause is the existence of the veto and its universal and indiscriminate use — going so far as to be applied in the election of the Secretary-General and the selection of new members of the Organization — as well as the use of the prerogatives of permanent membership by some members towards hegemonic ends. We must not forget that the threat of the use of the veto and the so-called cascade effect are also blunt instruments.

If we do not at least restrict the use of the veto to Chapter VII of the Charter; if we do not eliminate the unlawful gathering called "informal consultations" and reinstate official meetings as a place for debate and decision-making; if the provisional rules of procedure of the Security Council are not made definitive; if the Member States have no adequate information and do not participate in its work — in short, if there is no transparency or democracy and the hegemonistic attitude does not cease — there will not have been any reform. If the General Assembly does not regain and fully exercise its powers, there will not have been any reform.

The Security Council is not efficient. It often acts inappropriately without a mandate in places where it should not act and often forgets its duties altogether and does not act as it should and where it should. What whims lie behind such erratic conduct? Although it is little said and polite silence is often preferred in this connection, it is obvious that this is because the Council is today subordinate to the hegemonistic and unipolar interests that brutally prevail in today's world disorder. Attempts by some of the remaining permanent members to find multi-polar equilibriums within the Council are generally partial and sometimes even contradictory and unsuccessful.

Today's Security Council is only effective in preserving the interests of the permanent members. That is not in the interest of the international community. That is not the will of the Member States. That does not represent the reality of the world, which is today so different from what it was in 1945. That is not the mandate that was given to the Council by the Charter.

No one would come here and say that dictatorships are more efficient than democracies. It is absurd and fraudulent to offset the concept of efficiency in the Council with that of democracy and transparency.

It is for these reasons that Cuba's position is that the number of permanent members should be increased in order to rectify the absence of developing countries from the Council. The expansion should be based on the principle of equitable geographical distribution. There should be as many permanent members from Africa, Asia and Latin America as necessary. There should be at least two or three members from these regions, and even so, four billion persons and over 100 countries would still be

represented to a far lesser degree than the Europeans or the member countries of the North Atlantic Treaty Organization (NATO). These new permanent members should have the same prerogatives as the current members, including the power of the veto — as it seems that that cannot be eliminated for the time being. It is not acceptable that there should be discrimination against new members.

The creation of rotating permanent seats would slight our interests and would be another way of discriminating against and introducing divisions among developing countries. Were the rotation to be universal, it would only be tantamount to increasing the current number of non-permanent members. If the rotation were to apply to a specific group of countries, it would discriminate against the others, and the criteria would be grossly selective and open to question. In any case, it would be illusory to hope that those supposed permanent rotating seats would enjoy the same prerogatives that the current permanent members enjoy, including the right to the veto.

Were that to occur, the countries of the South would not be any less under-represented in political and practical terms. The solution is not to rotate a virtual seat. The solution is to have several permanent members from Africa, Asia and Latin America as full members and with undiminished powers. My delegation would also not have any objection if some industrialized countries were to be included simultaneously as a result of an agreement to rectify this imbalance against the South, as long as they were included under exactly the same conditions and with the same prerogatives as the developing countries.

The number of non-permanent members should be increased on the basis of equitable geographical representation, and the fulcrum of decision-making should shift. Today consultations and arrangements among the permanent members abound, while the non-permanent members hardly count at all. It upsets and pains us that this should be so, but we must be realistic.

There could be no fewer than 26 permanent and non-permanent members in total, because it would be impossible to find an equitable solution otherwise. If there is no change in procedural methods, non-permanent members will remain on the sidelines. But if they can act together and use their automatic majority, the non-permanent members might, owing to their greater number, become a genuine force. If there were permanent members from our countries, their strength would be even greater.

Once general agreement is reached on Security Council reform, periodic reviews of the Council's composition will have to be held, in keeping with the provisions of the Charter.

We believe that today as never before, the facts support the appropriateness and validity of the proposal prepared by the non-aligned countries and presented in their position paper submitted to the Working Group on 13 February 1995.

However, certain parties have voiced their frustration. If there is no general agreement to increase the number of permanent members, it might be useful for the time being to proceed with the expansion of the non-permanent category, on which, while there is no consensus, there is at least general agreement. We must reject the cut-off figure of 21 that some are trying to impose and proceed to consider the so-called fall-back solution proposed by the Non-Aligned Movement.

There is also general agreement on the question of the veto — near unanimity, as a matter of fact. So we wonder — as might the average citizen, so far removed from this Hall — why not take action on the question of the veto?

The document containing the proposals submitted by Cuba at the beginning of this process is still valid and remains on the table.

Cuba is proud to have participated, at the twelfth Summit of the Non-Aligned Movement, held in Durban, in the reaffirmation in its Final Declaration of all the principles contained in the position paper presented by the Movement in February 1995. The Final Declaration adopted at Durban reaffirmed the non-aligned position on the importance of and need for "general agreement", as set out in General Assembly resolution 48/26, and also on the mandatory nature of Article 108 of the Charter as regards any changes in the composition of the Security Council. The Declaration emphasized that no time frame would be acceptable and reiterated that the use of the veto should be restricted, with a view to its total elimination, and that the Charter should be amended so that, as a first step, the veto would apply only to actions taken under Chapter VII.

As can be seen, the Durban document is comprehensive and covers a number of elements in addition to those related to Article 108.

Cuba believes that any change in the membership of the Security Council would require an amendment to the Charter, failing which no step in this direction would be valid or could be implemented, in keeping with the provisions of Article 108 on the two-thirds majority of Members of the Organization and the ratification procedure it establishes.

Cuba is opposed to any sort of "quick-fix" solution. It believes that "general agreement" is the expression of the will of the great majority of the Member States — in other words, very close to a consensus and far more than two thirds of the membership. Indeed, we would prefer a consensus on so sensitive and important a matter as this.

It would be most useful to continue the ongoing consultations on draft resolution A/53/L.16 with a view to finding solutions, in the letter and spirit of the Durban Declaration, that would make it possible to adopt this text by consensus.

Cuba, which has participated regularly in the deliberations of the Working Group, would like to express its appreciation to the General Assembly and to the Bureau of the Group, in particular the co-Vice-Chairmen, the Permanent Representatives of Finland and Thailand.

We have studied the report on the work of the Working Group with particular attention, and we support its recommendations, in particular the one in paragraph 24, which

> "Decides that the Working Group should continue its work, taking into account the progress achieved [since the beginning of the negotiations and] ... the views to be expressed during the fifty-third session of the General Assembly." (*A/52/47, para. 24*)

Mr. Matri (Libyan Arab Jamahiriya) (*interpretation from Arabic*): We are discussing the item on our agenda today in the last round of our negotiations in order to achieve equitable representation on and expansion of the Security Council. The extent of participation in the debate demonstrates the importance that Member States attach to this issue. There is a basic reason for this situation; the restructuring of the United Nations and the enhancement of the effectiveness of its organs will not be complete without reforming the Security Council to reflect new international realities and particularly the increase in the United Nations membership, on behalf of which the Security Council undertakes its tasks. As we enter today upon a new phase of the negotiations, we hope that these new consultations will overcome the main obstacles that have stood in the way of progress to date, so that we may discharge the task, mandated by General Assembly resolution 48/26, of reforming the Security Council and making it more democratic, more representative and more transparent.

In the last five years, the member States of the Assembly, in the context of the Working Group, have explored many positions and possibilities with respect to expanding the Security Council. The increase in the membership of the United Nations has been the legal argument justifying the expansion of the Council. My country is in full agreement with this approach. The position which we have reiterated and which we again in principle affirm is that we would prefer that the expansion of the Council be limited to the non-permanent membership. It is not necessary to have new permanent members to further enshrine discrimination among United Nations membership. But if there is a real need for an increase in permanent membership, the matter should be considered in an equitable, non-selective and fair manner. Otherwise the result will be the strengthening of the monopoly of the powerful and the rich over the Security Council.

In regard to the increase in the membership of the Security Council, we must apply the principle of equitable geographical distribution with a view to taking into account, in particular, the situation of the under-represented or the unrepresented in the permanent member category, including the African region.

In this context, Libya supports the African proposal on the granting of two permanent memberships on an expanded Council. It is no longer sufficient to change the composition of the Security Council. The reform process requires that the restructuring of the Council should be an integral part of a joint project of complementary components. This should lead to remedying the present imbalances in the structure of the Council. It should also ensure the Council's accountability, and improve its working methods.

The report of the Working Group shows that numerous proposals have been put forward to enhance the transparency of the Council's working methods and further to democratize its decision-making process. The Council itself has adopted some of these recommendations. However, it has not implemented a measure that was demanded by the majority of States, namely the evolution of the Security Council's relationships with the other main organs of the United

Nations. The Council's relations with the General Assembly are very limited, and are confined to the submission of only one annual report.

The Security Council is yet to present special reports in accordance with Articles 15 and 24 of the Charter. Had it followed the practice of presenting such reports, there would be better cooperation with the General Assembly, which would help resolve many of the problems and disturbances that affect so many countries throughout the world.

Moreover, relations between the Security Council and the International Court of Justice are also limited. If the Council had solicited the Court for advisory opinions, it would have avoided widespread criticism and would not have entangled itself in punitive resolutions from whose consequences so many people are suffering today.

Our experience with the Security Council shows that it continues to interpret Article 35 of the Charter in a selective manner that contravenes that Article in both letter and spirit. Thus the Council has impeded States in the exercise of rights guaranteed them by the Charter. Our impression proves that the Council continues to be discriminatory in its dealings with Member States. It has taken to consulting with troop-contributing countries involved in peacekeeping operations, but it does not consult with other Member States that are affected by matters it deals with. This is a regression from the practice of transparency, in addition to being at variance with the letter and spirit of the Charter, particularly Article 31.

Informal consultations of the Council are still the rule, not the exception. Although the Council holds public meetings, its public deliberations are not useful because they are confined to endorsing decisions that were taken earlier, at times by a small number of States. The Libyan delegation is fully cognizant of the fact that many delegations, including those of some members of the Council itself, share these concerns with us. In fact, some of these members have expressed those views and called for the establishment of a sound basis, with the need for the Council to consult with as many Member States as possible, particularly those that are directly concerned by matters before it. The Council must also hear the views of those States in public meetings before formulating its resolutions.

In spite of the obstacles which certain States place in the way of applying these measures and of institutionalizing their character, we are very hopeful that the will of the majority will prevail and that the Council will embark on the implementation of those measures, which are the only guarantee of its acting in a clear way and in a democratic style which would enhance its legitimacy and bestow legality on its resolutions.

The review of the veto privilege constitutes an essential element in Security Council reform, because it has a direct impact on the Council's decision-making process. My country continues to oppose publicly the continuation of that privilege because it contravenes the principle of sovereign equality among States, as guaranteed by the United Nations Charter. It also contradicts the values inherent in fairness and undermines the principles of democracy. The veto privilege has been abused, as it has been manipulated to serve private and particular interests.

The minority has advanced arguments to justify retention of the veto. We have been told the privilege is given in recognition of the greater contributions to the Organization's budget, which is one of the criteria for permanent membership and, consequently, one of the criteria for having the veto privilege. However, that argument does not accord with reality. If it were applied, many States able to pay could then have the veto power. And if the argument were valid, how could the privilege be given to countries which are billions of dollars in arrears on their allotted contributions to the United Nations? We are told that the veto power was granted to States with greater responsibilities for the maintenance of peace and security. Here we ask again: does not this contradict the conduct of those who used that veto privilege to defend national interests, including protecting themselves from condemnation by the Council?

The United Nations of today is different from what it was in 1945. There are new Members that were not even States 50 years ago. These Members had no say with regard to the privileges given at that time to five States. All of this leads us to one result, which my country has reiterated over a quarter of a century, namely that the veto privilege must be abolished or at least curtailed, because any reform process would have no meaning if it allowed a few States to impose their views on the world's destiny and to maintain their hold on international decision-making.

The equitable composition of the Security Council was dealt with in the report of the Working Group contained in document A/52/47, which gave us a very clear picture of the work done during the previous

General Assembly session. We must pay tribute to the President of the Assembly and his team for the work they have done on this subject. We are convinced that under your wise leadership, Mr. President, the Working Group will continue its efforts and will achieve positive results acceptable to all Member States.

Our position must not be interpreted to mean that we are leaning towards putting time limits on this process, which is very important for all States. Here we agree with the position expressed by the Non-Aligned Movement at its twelfth summit, that is, that negotiations on the expansion of the Security Council should not be given a deadline and that it is necessary to reach a general agreement before resolving this issue.

We associate ourselves with the position of the Non-Aligned Movement on amendments to the Charter. In other words, any amendment of the Charter must be adopted by two thirds of the Member States, as set out in Article 108 of the Charter. This is the principle that has prompted my country to co-sponsor draft resolution A/53/L.16, which was introduced yesterday by the representative of Egypt. This draft resolution does not relate to the substance of the reform process. It relates to procedure, animated by the principles espoused by the founders of the United Nations — that is, that any Charter amendment must be adopted by two thirds of the membership of the United Nations.

Mr. Filippi Balestra (San Marino): Rather than reiterating San Marino's position on the matter of the reform of the Security Council and the importance it has for the future of our Organization — arguments that I have already had the opportunity to illustrate on other occasions — I would like to make a few remarks on the work that has been carried out up until now.

This long period of discussions in the Working Group on Security Council reform has, in our opinion, produced some results that cannot and should not be ignored. I refer, for instance, to transparency and the Council's working methods. In fact, here the Working Group seems to be close to a general agreement. Improvements to these two elements could give new impetus to the work of the Council; they could help relations between the Security Council and the General Assembly; and they would allow countries that are not members of the Council to more easily follow its deliberations.

The reform is a process and not a package. It also may to be accomplished gradually.

As for the much more sensitive problem of the expansion of the Security Council, we have to recognize that the outcome of the Working Group has not been satisfactory. On one side, it seems that most of the members of the United Nations wish the Council to be expanded in order to make this organ more up to date in the historical context in which it has to operate. On the other side, any concrete proposal introduced so far has been strongly rejected by some.

A reform of the Security Council will take place only if countries are ready to give up some of their own expectations in order to meet others. This result cannot be imposed or subjected to rigid time-frames.

The discussion we have been carrying on in the Working Group is limited to the Security Council, but an increase in the number of permanent members involves innumerable collateral problems. Besides the question of the veto, there are, for instance, other main or secondary organs, committees and commissions of the United Nations where permanent members have permanent seats. If more permanent members were to be given seats in all these organs, without increasing the overall number of members, the presence of the other countries will clearly decrease. And as often happens, the smallest ones will pay the consequences.

My delegation has underscored more than once the importance of consensus or general agreement on such a fundamental issue as the reform of the Security Council. The lack of such a general agreement would have deleterious effects. This is the reason why San Marino decided to co-sponsor draft resolution A/53/L.16. This purely procedural text has the sole aim of ensuring that the vital question of composition in the reform of the Security Council is decided by a two-thirds majority of United Nations members, in accordance with Article 108 of the Charter. This draft resolution does not prejudice, nor does it affect, any future outcome of the Working Group.

We have heard in previous speeches the reference to the legal problems this draft resolution can create, but it seems evident to us that the word "implications" refers to elements that can lead to amending the Charter on the specific matter of the reform of the Security Council only.

We are convinced that all countries will benefit from the adoption of this draft resolution. Even countries aspiring to a permanent seat will have — if this is the

will of the Working Group — the opportunity of receiving the wide support necessary to carry out such an important task in the most democratic way possible. The legitimacy of the new Security Council will be, therefore, enhanced by draft resolution A/53/L.16.

We would like to thank the previous President, Mr. Udovenko, and the co-Vice-Chairmen of the Open-ended Working Group, Ambassador Breitenstein and Ambassador Jayanama, for the excellent work carried out.

We are perfectly aware that the problem of Security Council reform presents a different scenario this year, and we trust, Sir, in your high diplomatic skills to guide us.

Mr. Nejad Hosseinian (Islamic Republic of Iran): I would like to associate myself with previous speakers in expressing appreciation to the Bureau of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, and in particular to the Chairman of the Working Group and his co-Vice-Chairmen for their leadership and patience during the Group's discussions during the fifty-second session of the General Assembly.

We are extremely glad, Sir, that you will guide our deliberations on this critically important issue during this session. We have full confidence in your diplomatic skill and in your commitment to steer our deliberations to a successful conclusion which would further strengthen our Organization in general and the Security Council in particular.

During the past five years we have witnessed an intensive and lively exchange of views and positions in the Working Group on a wide range of issues related to Security Council reform. Almost all aspects of this issue and its political, legal and structural implications have been discussed. Such interchange, and the mere number of speakers under this item during this session, make it abundantly clear that the question of Security Council reform, involving a reorientation of international relations in general and the United Nations in particular, is a matter of great interest to the general membership of the United Nations. As such, it deserves to be deliberated in a comprehensive manner and with a great deal of patience and wisdom.

Accordingly, as a member of the Movement of Non-Aligned Countries, my delegation, along with many others, favours a mechanism that would further enhance the authority, legitimacy and representativeness of a reformed Security Council. To Iran, any decision on this matter which does not enjoy the support of a credible majority of the entire United Nations membership will do a disservice not only to the Charter, the Security Council and the General Assembly, but also to the States that would eventually become the additional members of the Council in either of the two categories.

We firmly believe that any decision to reform the Council in terms of the size, composition and distribution of its membership entails Charter amendment, and as such it would require the two-thirds majority of the entire membership under Article 108 of the Charter. By extension, this criterion should also apply to any resolution with Charter amendment implications. This position of principle was reaffirmed by the heads of State or Government of Non-Aligned Countries in Durban, South Africa, less than three months ago, and by the heads of State or Government of the Organization of the Islamic Conference in Tehran, Iran, in December 1997.

It is in this context that my delegation has sponsored draft resolution A/53/L.16, which seeks to ensure that the expansion of the Security Council is materialized with constitutionally sufficient support from the general membership of the United Nations, as prescribed by Article 108, so as to enhance the authority, legitimacy, and representativeness of a reformed Council. While clearly dealing with an important procedural issue, draft resolution L.16 reaffirms the letter and spirit of the Charter without prejudging the substantive outcome of the current effort to reform the Council, and without prejudice to the status and position of the States that aspire to become new members of the Council.

The primary objective of draft resolution L.16 is to safeguard the credibility of a reformed Security Council by remaining true to the spirit of Article 108 and to help to resist the temptation to circumvent it through unprecedented and imaginative procedural moves. In this context, it should be pointed out that the phrase "any resolution with Charter amendment implications" in operative paragraph 2 is qualified by the phrase preceding it — that is, "in this regard", thereby limiting the purview of the whole operative paragraph 2 to any resolution on the question of equitable representation on and increase in the membership of the Security Council and related matters which would include elements or criteria for amending the Charter.

The sponsors of draft resolution A/53/L.16 look forward to working with others to reach consensus language that reflects this primary objective. In light of these considerations, therefore, we hope that draft resolution L.16 will be adopted without a vote in the General Assembly.

The size and composition of a reformed Security Council is an issue of vital importance to the developing States, which are disproportionately under-represented in the Council. We believe that any increase in Council membership will have to take into account the true share and concerns of the developing countries. In this context, I wish to reiterate the statement made by the President of the Islamic Republic of Iran in this Assembly on 21 September 1998, when he referred to the inaugural address of the leader of the Islamic Republic of Iran to the Eighth Session of the Islamic Summit Conference, held in Tehran. He said,

> "the Islamic countries, representing one billion and several hundred million people, should acquire a permanent seat in the United Nations Security Council, with the same privileges as current permanent members, as long as they are enjoyed by those members". *(A/53/PV.8, p. 6).*

As a member of the Non-Aligned Movement, we would like to reaffirm the position taken by the Movement that, in order to bring the Council into harmony with the realities of our time, its membership should increase to 26. Furthermore, since the divergence of views on the expansion of the number of permanent members continues to make further deliberations necessary, the Working Group may provide some impetus for progress by addressing the issue of increase in the number of non-permanent members as a first step.

In our opinion, the improvement of the working methods of the Security Council, including the question of the veto power, is as important as the question of expanding the Council. We are delighted to see that, as a result of discussions and deliberations in the Working Group on this matter, there is an increasing awareness, including among Council members, that, by improving its working methods, the Council can discharge its responsibility more properly. The efforts of some Council members to enhance the Council's transparency, as well as to introduce some improvements into the latest annual report of the Council to the General Assembly, which have been acknowledged and appreciated, reflect this positive trend, which, in our view, must be part of an ongoing process of evaluation and adjustment. The achievement of some success in establishing a dynamic and ongoing process for improving the working methods of the Security Council, including on the question of the anachronistic veto, is an essential component of the final reform of the Security Council.

The veto power is at the heart of the issue of Security Council reform. The legislative history of Article 27 of the Charter on the voting procedure in the Security Council is quite poor and its exercise during the 54-year life of the United Nations even poorer. It is the result of the heavy-handed approach of the victors of the Second World War and, as such, anachronistic and undemocratic, particularly at this juncture of history on the threshold of the third millennium. The Permanent Representative of Mexico elaborated these two points eloquently yesterday in this Assembly. We fully share his analysis and regret the evident regression in the current positions of the five permanent members on limiting the scope of application of the veto, as compared with their positions — or, more accurately, the positions of at least three of the five — on such a limitation in 1948.

In light of the new realities of the international community, in which we have 185 united nations — not 50 or 51 — which demand greater respect for the very basic principle of the sovereign equality of States and more democratic rules and transparency, we believe that it is time to take action to curtail the use of this unjustifiable power. The discussions in the Working Group have demonstrated a general sense of dissatisfaction on the part of a vast majority of Member States with the use of the veto in the decision-making process of the Security Council and a general support for limiting the use of the veto to actions under Charter VII of the Charter, with a view to its eventual elimination.

According to Articles 10, 11 and 12 of the United Nations Charter, the General Assembly may discuss and make recommendations on the maintenance of international peace and security to member States or to the Security Council or to both. The favourable atmosphere created by the end of the cold war was at first thought to allow for a balanced interaction to be structured between the General Assembly and the Security Council for the maintenance of international peace and security. While the Security Council has been actively engaged in this field, regrettably, the General Assembly has found little opportunity to discharge its responsibility for the maintenance of international peace and security in cooperation with the Security Council.

In order to realize the goal of these Charter Articles, it is necessary to find proper ways to use the potential of the general membership of the United Nations in the maintenance of international peace and security. To begin with, my delegation believes it is time to take action to enable the General Assembly to make decisions, without the requirement of receiving prior recommendation from the Council, on the admission of new Members, the suspension or expulsion of Member States and the appointment of the Secretary-General.

In conclusion, I would like to state that the prolongation of the deliberations on the question of Security Council reform may tempt us all to impose a time-frame for such considerations. However, we should all resist this because the task at hand is grave and bears directly on the authority, legitimacy and effectiveness of the Security Council. Along with the other members of the Non-Aligned Movement, we hold that, while this matter deserves urgent attention, it should not be subject to an imposed time-frame.

Sir Jeremy Greenstock (United Kingdom): The United Kingdom welcomes the report of the discussions in the Open-ended Working Group during the fifty-second session of the General Assembly and acknowledges the important role played by the outgoing President of the General Assembly and by his two Vice-Chairmen. We pay thanks in particular to Ambassadors Breitenstein and Jayanama, who stepped down as Vice-Chairmen after distinguished service in the job. They deserve much of the credit for the momentum that now exists behind the debate on Security Council reform. We welcome also the commitment that you yourself, Sir, have already shown to securing progress on this issue.

Discussions during the fifty-second session of the General Assembly and in the course of the debate of the past two days confirm that enlargement of the Security Council will remain a high priority for a majority of delegations during the fifty-third session. It is clear that a significant majority of Member States supports expansion in both categories of membership. Frankly, we would be surprised if anything other was the case. After all, one of the most important arguments for enlargement is to achieve better representation on the Council for developing countries. Better representation has to include permanent seats. Any proposal that does not include permanent seats for developing countries rather misses the point.

It is important that the Council be enlarged to reflect both the fact that overall membership of the United Nations has increased as well as the political and economic realities of the modern world. This will reinforce its authority and help it to fulfil its primary responsibility for maintaining international peace and security. It will also help ensure that the Council retains the support of the United Nations membership as a whole.

We are not in the business of setting artificial deadlines or of pressing anyone into a solution. We do not wish to be pressed into a solution ourselves. But we share the view of the majority of United Nations Members that the issue of Security Council reform deserves attention now. As the British Prime Minister said in his speech to the General Assembly on the opening day of the general debate, we have been talking about this subject for five years. It is time for decisions. We look forward to active participation by as many United Nations Members as possible in discussions in the Open-ended Working Group during the fifty-third session.

As is well known, the United Kingdom has been working with a small number of other, like-minded countries to develop ideas on Security Council reform, which we hope will be of interest to the majority of United Nations Members. In this context, allow me to respond to one or two of points made in the course of the debate in the past two days.

First, and contrary to ill-founded rumour, it has never been our intention to table a hasty resolution. We want detailed consideration of our ideas in the Open-ended Working Group. We find it hard to understand the sponsors' rationale for introducing draft resolution A/53/L.16 since no one, as far as we can see, dissents from that approach. For our part, we are committed to seeking wide agreement on the essentials of a reform package.

Second, we have never advocated permanent seats only for industrialized countries. Those who heard Mr. Blair's speech in September will have noted the emphasis which he placed on the need to strengthen the authority of the Council by giving permanent seats to developing countries as well as to Germany and Japan.

To avoid any further misunderstanding, I should like briefly to set out the United Kingdom's views on the main themes of Security Council reform. The United Kingdom would like to see an additional five permanent seats on the Council. Three of these would be for developing countries in Africa, Asia and Latin America.

Two would be for industrialized countries. These would be open to all comers. We have long placed on record our support for Germany and Japan. An additional five permanent seats would, we believe, stand the best chance of providing a basis for agreement.

As for the overall size of the Council, the United Kingdom notes that some States have registered strong opposition to a number above 21. We believe, however, that a figure of 24 offers a more realistic basis for agreement while still enabling the Council to maintain its procedural and substantive effectiveness.

With regard to the veto, we, like all the permanent members, could not accept any restriction on the veto rights of the existing permanent members. But we will continue to exercise the veto with restraint. It is now almost nine years since the United Kingdom last cast a veto, and in a manner consistent with our responsibilities under the Charter.

The United Kingdom supports the idea of a review after ten or fifteen years of the decisions taken on enlargement. Furthermore, the United Kingdom supports moves to improve the Council's working methods and transparency and believes that this should be an integral part of any Council reform. Thanks to the progress made in discussions in the Open-ended Working Group, this component of an eventual package is now at quite an advanced stage.

We believe it is important to have substantive discussions on all these issues in the Open-ended Working Group during the fifty-third session. We deplore the divisive and damaging tactics of those who wish to preempt full discussion of some aspects by pressing ahead with draft resolution A/53/L.16. The United Kingdom continues to hope that progress can be made soon so that the composition of the Council can better reflect the realities of the world today. That is why we believe that we owe it to ourselves to keep all the negotiating options open.

We accept that the eventual Charter amendments implementing enlargement of the Council must be adopted under Article 108. There can be absolutely no debate about that. But it would be wrong to link the political commitments made in the Open-ended Working Group about the need for general agreement on this issue with a legal base they do not fit. Let us be crystal clear on this point. The United Kingdom cannot accept draft resolution A/53/L.16 because we consider operative paragraph 2 to be contrary to the United Nations Charter. Article 18 of the Charter clearly provides for decisions to be made by a simple majority, that is, by a majority of those present and voting, except in the case of important questions which require a two-thirds majority of the members present and voting. Article 108 is unambiguous. It applies only to the adoption of amendments to the Charter. It does not apply to resolutions which only have implications for Charter amendment.

Against this background, the implications of draft resolution A/53/L.16 are far wider than the apparently procedural nature of the text to which a number of speakers have alluded in the course of the present debate. The revision to L.16, introduced by the sponsors earlier today, does not alter this fact. That is why, given the complexity and importance of this issue, we cannot support the draft resolution.

Mr. Erwa (Sudan) (*interpretation from Arabic*): At the outset, allow me to associate my delegation with the statement of the Non-Aligned Movement on this item. We wish to express our support for the Movement's position, which was reaffirmed at the Durban summit. I also wish to express my delegation's support for the African position concerning the reform and enlargement of the Security Council, which was reaffirmed at the Harare and Ouagadougou summit conferences.

Five consecutive years have passed since the establishment of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, during which time many meetings have been held. Many laudable efforts were made, but unfortunately they did not lead to results that would give us hope for reforming the most important body of the international Organization at a time when the international community is in dire need of this, in view of the ascendancy of the logic of force over the logic of reason. No progress has thus far been achieved in any of the areas to be reformed, whether in improvements in the Council's working methods to make them transparent and democratic; in the enlargement of the two categories of membership, permanent and non-permanent, so that the Council would be more representative, reflecting the reality of the membership which has reached 185 States; or in grappling with the issue of the veto in order to rescind it, since it contravenes the principle of the equal sovereignty of States, which is one of the most important principles embodied in the Charter of the United Nations.

While regretting the fact that no achievement whatsoever has been made in reforming the Security Council, the delegation of the Sudan would like to express its full support for the concept that no time-frame should be imposed on Council reform, unless there is a general agreement on all the aspects of reform which we have mentioned.

The balance of power in 1945 compelled the world to accept the right of veto. The countries that were victorious at that time stated that if the right of veto was not accepted, then the United Nations would never be born. The vulnerable countries of the world had an overriding desire to establish the international Organization, so they accepted this onerous demand, which had been agreed upon by the three victorious States after World War II at the Yalta Conference in 1945. One of the three victorious States stated at the San Francisco Conference that year, in justification of the veto, "The unanimity of the Great Powers was a hard fact, but an inescapable one".

It behooves me here to refer to the statement above that the veto has become a hard fact. I would add that the use of the veto is not only a hard fact; it perpetuates oppression and has become a weapon for deterrence to be exploited, used and flaunted when there is an issue before the Council that is not palatable to one of the big Powers. It is also brandished in order to dissuade the other Security Council members, who uphold justice but do not have the right of veto, from efforts to support the innocent who are oppressed and look to the Council in the hope and illusion of finding justice and security. The efforts of these innocents come to naught, and the Council turns its back on them even though the majority of its members are convinced of the justice of their demand and the force of their argument.

In this context, I wish to refer to my country's request to the Security Council more than two months ago, after the armed aggression by the United States of America against the Al-Shifa factory in the Sudan, which produced pharmaceuticals for both human and veterinary use. We merely asked the Council to send a fact-finding mission to verify the claims that were used to justify this act of aggression. So far, the Council has not acted at all. Is the Council, then, fulfilling its mandate as regards the maintenance of international peace and security?

I wish to say that any reform of the United Nations and its main bodies, including the Security Council, should be evaluated on the basis of the ability of the Organization to fulfil the mandate entrusted to it and to translate that mandate into a reality of peace, security, development, tranquillity and freedom from aggression by the powerful which would be experienced by the weak peoples of the world. Otherwise, any reform, especially of the Security Council, would be like ploughing in water.

In conclusion, my delegation supports the decision of the Non-Aligned Movement adopted by the Durban summit to the effect that any resolution that has Charter amendment implications will have to be adopted by a two-thirds majority of the membership of the United Nations. Hence my delegation declares its support for the draft resolution contained in A/53/L.16.

Mr. Wehbe (Syrian Arab Republic): At the very outset, I would like to extend my sincere thanks to you, Sir, and to commend you upon your judicious conduct of the work of this session of the General Assembly. I would like to express my appreciation for your efforts and those of your assistants, especially in intensifying your consultations in a transparent and objective manner, in a context of sound diplomacy and with a view to achieving success for the work of this session and, in particular, arriving at fruitful results in the question of equitable representation on and increase in the membership of the Security Council and related matters. You have worked in a spirit of objectivity and balance towards achieving transparency and democracy in the composition and methods of work of the Security Council, one of the most important organs of the United Nations.

It is axiomatic that the changes in the international arena and the notable increase in the number of Member States of the United Nations should be reflected in the question of reforming the United Nations as a whole. It is only natural, also, that such changes and increase would necessitate reconsideration of the composition of the Security Council and its methods of work and underscore the importance of laying down controls and criteria to prevent the arbitrary use of the right of veto.

This would enhance the principle of democracy and the transparency of the decision-making process in order to make the Council's decisions balanced, equitable, fair and free from any transient exigency and individual interest that would run counter to the will of the vast majority of Member States. It is important that such criteria and controls guarantee the Council's functioning in a manner free from selectivity and double standards. In order to resolve this extremely delicate and important matter, the process of Council reform must in no way be

governed by an imposed time-frame that would take matters back to square one. Rather, such an integrated process must be governed by the principle of achieving general consensus, which constitutes the very backbone of General Assembly resolution 48/26.

For us, this principle means that any process aimed at reforming and expanding the Security Council must be endorsed by the overwhelming majority of all Members of the United Nations, in other words, by less than a consensus but more than two thirds of all United Nations Members, and not only two thirds of the States voting and present. A review of the history of voting in the General Assembly on such questions fully supports this. Therefore, this concept leads us to emphasize the need to apply Article 108 exclusively to voting on this question, so important in the life of the United Nations and its future.

In this regard, the statement of the most recent summit of the Non-Aligned Movement in Durban emphasized the New Delhi Declaration and reaffirmed the determination of 114 States that any resolution with Charter amendment implications must be adopted by a majority of two thirds of the Members of the United Nations under Article 108 of the Charter.

In the light of this decision, my delegation sponsored the procedural draft resolution A/53/L.16 on the basis that it is fully in conformity with and even stems from the very foundation on which the Movement based its concept of the process of reform and expansion of the Security Council. This is especially true given that the draft resolution stresses, in operative paragraphs 1 and 2, that Council reform should not be subject to any imposed time-frame. Rather, enough time should be given to Member States to deal carefully with this question with a view to finding solutions that can allow general agreement relative thereto to be achieved. The draft resolution also emphasizes that the adoption of any resolution with Charter amendment implications must have a two-thirds majority of the United Nations membership, in accordance with Article 108 of the Charter. Indeed, it is a purely procedural draft resolution in conformity with the Charter.

Proceeding from the position of my country, which is a founding member of the United Nations and of the Non-Aligned Movement, we must work together with great precision, commitment, sincerity, solidarity and cooperation to apply the principles of the Charter and to commit ourselves to them. In that context, my delegation believes that attempts to circumvent the United Nations Charter or to interpret it in accordance with narrow interests while disregarding the interests of the overwhelming majority of the Members of the Organization do a disservice to the principles and objectives of the Organization. We should therefore like to emphasize that our work should be governed by sincerity, integrity, non-confrontation, solidarity and cooperation, in order to uphold the international Organization, serve and defend the interests of our peoples, achieve justice, do away with injustice and affirm the equality and sovereignty of Member States.

The draft resolution, which we have joined in sponsoring, is not aimed at confrontation with any State or group of States in any way. Rather, it is a sincere effort and a purely procedural action to affirm the need to apply the Charter in the most precise and optimal manner, in the service of universal interests. In this context, if the question of expanding the membership of the Council — which is considered to be one of the most significant issues relating to the United Nations — and of applying Article 108 to all Member States is aimed at doing justice to those States on the basis of equal sovereignty, what is the reason for failing to agree to apply Article 108 to the single most important question relevant to the United Nations Organization?

The process of reforming the Security Council and expanding its membership must be an integral part of an integrated joint endeavour that takes into account the principle of equal sovereignty among States and equitable geographical distribution, in addition to the need to guarantee transparency and responsibility and to lay the foundations for democracy in the Council's methods of work, including the decision-making process. In this regard, we would like to affirm that the expansion of the Council and any change in its character and procedures must be on the basis of equitable geographic distribution. Had this been acknowledged, the Working Group would not have failed to achieve general agreement to date.

In view of those considerations and in conformity with the need for equitable geographic distribution in Council membership, in both the permanent and non-permanent categories, I support the proposals made by the Organization of African Unity at its most recent summit and at the Harare summit. That position, which was relayed by the representative of Senegal to the Working Group, is consistent with a democratic approach and with the principle of equitable representation. In conformity with that principle, the Group of Arab States submitted a working paper to the Working Group on 9 July 1997 which included a proposal that when the

expansion of the permanent and non-permanent membership of the Council is approved, the Arab Member States be given a permanent seat to be occupied by them on a rotating basis in accordance with the criteria applicable in the League of Arab States.

The joint endeavour to reform the Security Council and expand its membership leads us to deal with the necessity of according special importance to the Council's working methods, which are as important as increasing its membership. This will require the establishment of controls and criteria, as affirmed at the summit of the Non-Aligned Movement, in such a manner as to guarantee the prevention of the arbitrary use of the right of veto, to enhance democracy and transparency in decision-making, and to ensure more equitable and balanced application of Council resolutions, free from double standards.

In this context, I must ask what it means for the international community when, for example, 14 States members of the Council vote in favour of a draft resolution before the Council while one State uses the right of veto, making it necessary to put the draft resolution before the General Assembly, where it receives the approval of the majority of the Member States. Does not that mean a cynical disregard for international will in using the right of veto on the part of one single Member State? Does not the fact that the veto has been exercised 35 times with regard to the question of Palestine since 1973 mean real participation in the infliction of injustice upon the Palestinian people and taking the side of the occupier and aggressor? Does not that constitute an important reason and justification for democratizing and reforming the Security Council? In order to deal with that phenomenon, at both Cartagena and Durban the members of the Non-Aligned Movement affirmed the need to curtail the use of the right of the veto with a view to its abolition.

In decision 52/490 of 24 August 1998, the General Assembly decided by consensus that the Open-ended Working Group should continue its work during the fifty-third session. We are hopeful that draft resolution A/53/L.16 will be adopted by consensus.

Once more, we would like to affirm that the importance and sensitivity of this question necessitate general consensus, quiet and sincere debates that avoid confrontation in order to achieve such a consensus and non-resort to challenges which do not serve the credibility and objectives of the United Nations and of its just Charter. Consequently, the Working Group will have to continue its work on the responsibilities entrusted to it, overcoming all difficulties and differences of opinion — a healthy and natural phenomenon in order to achieve democracy in the Organization.

In conclusion, I should like to express the hope that the draft resolution, which affirms the principles of the Charter and contributes to the ideal of democracy as a model for the United Nations, will enjoy wide support in this General Assembly.

Mr. Dejammet (France) *(interpretation from French)*: I should simply like to confirm the wish of my country to have the work on the expansion of the Security Council conclude soon with a general agreement.

The position we advocate is well known: we are in favour of an increase in the number of members of the Council in both existing categories. We are in favour of the accession of Germany and Japan and also of three countries of the South to permanent seats. We support the establishment of new non-permanent seats in order to improve the geographic representation on the Council. We consider that in order not to jeopardize the ability of the Council to respond rapidly and effectively, the increase in its size should be reasonable. It is in that context that we indicated last year that the total number should be greater than 21 and less than 25. We are in favour of new permanent members enjoying the same prerogatives as the present members, while we are prepared to work on the elaboration of any formula that would make possible a general agreement. We are also prepared to continue in a pragmatic manner the effort begun four years ago to make the Council's working methods more transparent.

The work of the Working Group at the fifty-first session made progress possible, thanks to a proposal for a phased approach. The first phase would be for the Assembly to adopt a resolution defining the framework for expansion. The second would consist mainly of electing the incumbents to new permanent seats, possibly on the basis of regional rotation formulae. The third stage would be that of amendments to the Charter. That approach would offer the advantage of allowing sufficient time for a general agreement to take form progressively.

The work done in the Working Group at the fifty-second session has not made it possible to achieve appreciable progress despite the praiseworthy efforts of the President and the two Vice-Chairmen, Mr. Breitenstein and Mr. Jayanama, to whom we wish to pay special tribute. Indeed, the Group indeed was not

able to submit to the Assembly agreed recommendations on questions given it for consideration, among which was the necessary majority for a decision on the reform of the Security Council.

It is in this context that thought was given to the significance of the concept of a general agreement and the procedure that would allow the work on the expansion of the Security Council to succeed. Good sense, simple common sense, dictates the answer to this question because obviously the work to revise the composition of the Security Council can succeed only if the Charter is revised and the rules provided for in the Charter are themselves followed. It is in this spirit that we have subscribed to the amendments to draft resolution A/53/L.16 with a view to favouring a consensus in this discussion, an outcome that could be achieved through a proposal from you, Mr. President, to the Assembly.

We hope that a consensus will be achieved which expresses the willingness of the Assembly to move from a phase of deliberation and debate to one of decision-making and action. That is the goal to which we will dedicate our efforts.

Mr. Kaabachi (Tunisia) (*interpretation from French*): Since it was included on the agenda of the General Assembly the question of the reform of the Security Council has generated a lively discussion on ways of finding an acceptable solution that takes account of the interests of all States and allows for a strengthening of the role of the Security Council as the United Nations organ with primary responsibility for the maintenance of international peace and security. The Working Group dealing with this issue, established five years ago, is still unable to offer a solution despite commendable efforts by Ambassador Udovenko and by the two Vice-Chairmen of the Working Group.

A large number of proposals have been made by delegations on modalities for enlargement of the Security Council and on how to improve its working methods. It is clear that the search for a compromise is still the most difficult task facing the Working Group, which it must continue to deal with in order to find a fair formula reflecting the legitimate claims and aspirations of the majority of States.

There is little need to recall that Tunisia identifies with the African position and that of the Movement of Non-Aligned Countries on the question of enlarging the Council. Our position is in accordance with that adopted by the heads of State and Government of the Organization of African Unity (OAU). The African position calls for two rotating permanent seats with all the privileges attached thereto. This claim is fully justified in that Africa, with 53 Members of the United Nations, has no permanent seat on the Council. The rotating permanent seats claimed by Africa would be seats belonging to the African continent as a whole, and thereby the States occupying the seats should assume their responsibilities within the Council on behalf of Africa. Those members sitting in the Council would thereby be accountable to the other African States with respect to how they discharge their mandate as representatives of the continent.

At its summit held at Ouagadougou, Burkina Faso, in June 1998, the Organization of African Unity (OAU) established the modalities for selecting the occupants of the rotating permanent seats that should be allocated to our continent. The modalities defined by Africa have the advantage of enabling any African State that wishes to take on the responsibility with regard to the maintenance of international peace and security to represent Africa in one of the rotating permanent seats, on the basis of a choice of African leaders. Apart from ensuring that our candidates are selected in a democratic manner, this would enable as many African States as possible to occupy the rotating permanent seats. Of course, our candidates would be chosen on the basis of the criteria set out in Article 23 of the Charter: the contribution made to the maintenance of international peace and security and to the other purposes of the Organization. New criteria would be difficult to decide upon, and would in any event be relative, indeed subjective, in nature.

Africa has made its choice on expansion of the Security Council, and its claims deserve to be taken into consideration. We believe that the time has come to recognize Africa's claims and to incorporate them into the final outcome of the Council reform process. Regular assessment of the membership of an enlarged Council would enable us to see how the formula of rotating permanent seats could be improved. Each region can, of course, choose its own way of selecting candidates for Security Council seats. Above all, those that take a restrictive position should come to agree that only a significant enlargement in both categories of membership can solve the problem in the way sincerely desired by all countries, especially non-aligned countries.

Although differences remain on how to resolve the question of the enlargement of the Security Council, we must note that at the last session of the Working Group

there were significant developments on improvement of the working methods of the Council. Most delegations supported many of the proposals on that matter, specifically on those put forward by the Non-Aligned Movement. The proposed improvements reflected a legitimate aspiration by States Members of the United Nations to a more transparent Security Council that would take account of their views on issues relating to the maintenance of international peace and security and that would enable them to participate in an appropriate manner in the Council's decision-making process.

Clearly, improving the Council's working methods on the basis of proposals made by the majority of Members can only strengthen the Council's Charter role and increase its effectiveness by enhancing its authority. Proposals made to that end should be incorporated into the functioning of the Council and into the provisional rules of procedure — which should cease being "provisional".

All proposals aimed at improving the working methods of the Council must not be blocked merely for a lack of progress on other areas of Security Council reform. Should it turn out that further measures must be adopted to enhance United Nations action for the maintenance of international peace and security, it would be in the interest of the entire international community for such measures to be put into practice. In our view, the fact that this aspect of reform does not involve amending the Charter or invoking the provisions of Article 108 should make it easier for the General Assembly to make the recommendations necessary to improve the working methods of the Council.

In our view, the right of veto should be reviewed and its use limited to matters falling within Chapter VII of the Charter. We must also review the question of sanctions which have a serious impact on the civilian populations of targeted countries, particularly women and children.

Let me stress in conclusion that we must redouble our efforts to find areas of agreement and compromise among delegations so that all interests can be taken into consideration as we devise a just solution that reflects the realities of today's world and that, in particular, includes more equitable representation for developing countries as well as greater democratization and transparency in the functioning of the Council.

We have every confidence, Mr. President, in your ability to carry out this task with success.

Ms. Arystanbekova (Kazakhstan): The delegation of Kazakhstan notes with satisfaction the progress achieved by delegations during the fifty-second session with respect to issues relating to the working methods of the Security Council, the transparency of its work and its decision-making process. At the six substantive sessions of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council held during the fifty-second session under the leadership of the President of the Assembly at that session, Mr. Udovenko, we were able to conduct a broad exchange of views and useful consultations on the whole range of issues relating to the reform of the Security Council, on the basis of which the report of the Working Group contained in document A/52/47 was prepared.

We welcome the improvements in Council practice, proposed by delegations and set out in document A/52/47, relating to the current conduct of briefings by the President of the Security Council for non-members, the availability of draft resolutions and summaries of the results of meetings and consultations, preparation of the report of the Security Council to the General Assembly and participation of non-members of the Council in Council meetings and in informal consultations of the whole. My delegation hopes to cooperate further with a view to achieving mutually acceptable solutions to cluster II issues.

The delegation of Kazakhstan has more than once stated in various United Nations forums, including at the highest level, its position of principle with regard to the reform of the Security Council. It is our view that the global changes that have taken place in the world since the Organization was founded need to be reflected in the reform of the Security Council, the principal organ responsible for ensuring rapid and effective United Nations action for the maintenance of international peace and security.

In our view, reform of the Security Council and enhancement of its effectiveness is a key element in the renewal of the United Nations. Accordingly, the delegation of Kazakhstan believes that there is a need to ensure more equitable representation of States Members of the United Nations on the Security Council, in order to give the Council a balanced composition and strengthen its authority and effectiveness in discharging its increased obligations.

In this context, we again confirm our position, and call for an expansion of the membership of the Security Council in both categories, permanent and non-permanent. We believe that an increase in the number of both permanent and non-permanent members of the Council can be brought about only on the basis of equitable geographical representation and respect for the sovereign equality of all States Members of the United Nations.

I should like to confirm once again the position we have stated regarding the expansion of the number of permanent members of the Security Council through the inclusion in its membership of Germany and Japan and also of three developing countries from the Asian, African and Latin American and Caribbean regions, with a view to ensuring a balance of interests and an adequate reflection of the existing geopolitical realities. My delegation is doing so in the conviction that it is important to bear in mind that in order to maintain the Council's functionality and effectiveness, its size must be limited.

In the view of the delegation of Kazakhstan, while the regional groups would retain the right to determine for themselves the mechanisms and procedures for putting forward candidates for permanent seats, the election of the new permanent members should be carried out by the General Assembly.

We are also in favour of giving the new permanent members the same prerogatives as are vested in the permanent members by the Charter of the United Nations, so as not to create a new category of membership. At the same time, as we have already noted more than once, an extremely balanced approach needs to be taken in connection with this issue, and it must be regarded as forming part of the complex of measures aimed at reforming the Council.

While advocating observance of the principle of equitable geographical distribution with respect to the new non-permanent members of the Security Council, we believe it appropriate to maintain the current practice for the election of members of the Council in this category on the basis of the criteria set forth in Article 23 of the Charter.

With regard to the issue of the majority required for the adoption of decisions on the reform of the Security Council, Kazakhstan's position is that there is a need to respect the positions of all States Members of the United Nations. In view of the interdependence between this issue and the issue of expansion of the Council, we believe that it would be desirable to consider the issue of the majority required after agreement has been reached on the substantive issue, namely, the expansion of the membership. With respect to the question of whether a draft resolution that would involve the introduction of amendments to the present Charter should be adopted on the basis of Article 18 or Article 108 of the Charter, in my delegation's view a great deal depends here on the actual text of the draft resolution containing the proposed amendments.

In this connection, it is our view that if decisions on the reform of the Security Council are to be taken in the General Assembly, every effort must be made to ensure the maximum, or still better, the universal presence of the States Members of the United Nations.

We support the view of a number of delegations that a vote on draft resolution A/53/L.16 at this plenary meeting of the Assembly would not help to preserve the spirit of cooperation and trust among States. We call, therefore, for further consultations on this issue to seek compromise and a mutually acceptable solution.

The delegation of Kazakhstan is convinced that the potential of the efforts by States Members of the Organization aimed at renewal of the Council is as yet far from being exhausted and that a flexible and balanced approach by delegations to this issue could yield positive results. I should like to express our hope for fruitful cooperation among States Members of the United Nations during the current session of the General Assembly in the search for mutually acceptable solutions to the fundamental issues relating to equitable representation in the Security Council, expansion of its membership and the other issues relating to the Security Council.

The meeting rose at 7.45 p.m.